

CAMBRIDGESHIRE COUNTY PLANNING DEPARTMENT

Survey Reports

THE COMMON LANDS OF CAMBRIDGESHIRE

1956

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PREFACE

This Report had its origin in the Survey of the location and extent of Common Lands in Cambridgeshire undertaken as part of the general Survey carried out in connection with the preparation of the County Development Plan. It was first issued in draft form in 1952 because the quite remarkable lack of reliable documentary information required that the information collected should be presented with caution and as a basis for discussion and correction.

Most helpful and authoritative comments and corrections have been received from a number of persons and organisations and the Report is now re-issued in the hope that it sets out the position of the Common Lands in Cambridgeshire as accurately as the available information allows. But the object of this work is to review the position only, it does not claim any authority and its presentation in this form is intended to serve as a basis for further study.

The whole of the research and survey work was undertaken by Mr. Bryan Porteous, M.A., and the County Planning Committee are particularly grateful, not only for the care and thoroughness he brought to the original work, but also for his continuing interest and his help in preparing the present edition.

The procedure adopted in making the Survey is described in Appendix C which also sets out a list of sources of information, including persons consulted and interviewed, whose kindly assistance and co-operation are gratefully acknowledged.

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February, 1956.

I. THE MEANING OF "COMMON LAND"

Definition

Contrary to popular belief, a common is not a piece of "no-man's land" that "belongs to the public" and which any member of the public may use as he pleases. Every piece of land in the country, including commons, has an owner whether it be an individual, a local or government authority or a body of trustees for the public benefit.

However, irrespective of ownership, the land may be subject to common rights thereby becoming a "common" which, by legal definition, is:-

"land which is subject to common rights which one or more persons may have, to take or use some portion of that which another man's soil naturally produces".

Rights of Common

Commoners' rights may be classified under five main headings, of which one or more may apply to a particular area.

- (a) Common of Pasture - the right to graze a specified type of animal. Usually limited in number by local agreement.
- (b) Common of Turbary - the right to dig turf or peat for use as fuel in the commoner's house.
- (c) Common of Estover- (from estoffer, to furnish) the right to cut or take wood for building, fencing or firing or reeds for use on the commoner's holding.
- (d) Common in Soil - the right to take sand, gravel, stone, coal, minerals, etc., for use on the commoner's holding.
- (e) Common of Piscary - the right to take fish from ponds or streams on the common.

It will be noticed that everything taken from a common must be for the commoner's own use: in no case is a commoner entitled to take produce for the purpose of selling it and where a right of pasture exists the grass must not be mown but consumed "by the mouth of his cattle". There is in addition a "right of sole vesture" which is, briefly, a right to take during the whole or part of a year all the sweepage of a land, i.e. everything falling to the sweep of the scythe. The owner of the land can, of course, dispose of whatever is not commonable in whatever way he pleases. Nowadays the use of rights other than of pasture is rare, but rights of turbary and estover used to be of great importance in the fenland area.

Not every inhabitant of a village is necessarily a commoner. Broadly, rights of a common may be attached either to property or to persons. In the former case only the occupants of the tenement or the owner of the land can exercise a common right. In the latter, manorial courts often used to define a qualification for the use of the commons, usually limiting the right to those whose capital assets or rent payments were below a prescribed amount. When, in this manner, rights were attached to persons they could be bought or hired and this is what in fact frequently happened. Thus, the Annals of Agriculture (XLIII 43) describe Elsworth where

"... there are 62 rights and not more than two belong to real cottages".

The Law relating to Commons

This subject forms an important branch of Statute Law which cannot be expounded here. Suffice it to say that full provision has been made for the preservation of common land and protection of common rights in the following Acts of Parliament:-

1845	Inclosure Act.
1866	Metropolitan Commons Act.
1876	Commons Act.
1893	Commons Law Amendment Act (Repeal of Statute of Merton).
1894	Local Government Act.
1899	Commons Act.
1925	Law of Property Act.

The last named Act provided for:-

- (a) Public right of access for air and exercise to any Metropolitan or urban common.
- (b) Prohibition of vehicles, camps, fires, etc., on such commons.
- (c) Making unlawful all building and fencing which impeded or prevented access on commons without the permission of the Minister of Agriculture.
- (d) Preservation of common rights in the case of purchase of the commoners' holdings by the owner of the common. Commoners' rights can be extinguished by purchase without the consent of the Minister of Agriculture. The owner however could not do anything to the land after purchase of the rights without an affirmative resolution of the County Council and the consent of the Minister.

II. HISTORICAL BACKGROUND

Early Agriculture

Commons are now comparatively rare but until the break up of the old "manorial" system of agriculture the commons and rights of common were among the usual, and in most cases necessary, amenities of a village or manor. Under the manorial system of open-field farming each villein (or copyholder) cultivated narrow strips of land dispersed throughout the large "common-fields". In return, the villeins worked on the Manor estate or paid rent in kind to the lord. The strips were divided by the furrows being turned in opposite directions and the furlongs by balks of land, so that part of the common field was wasted. Initially, only two such common fields were available in each parish for this purpose, but later a third was added thereby enabling the three-field rotation system to be practised. By the middle of the 13th Century the three-field system was predominant in all parts of Cambridgeshire except in the south-west.

To provide grazing for the villagers' animals areas of grassland were set out as common pastures. These "commons" (not to be confused with the "common fields") could be used by all those who held common rights, the qualifications for which were determined in the "Courts Leet" of the Manor. The number of rights held by a villager usually depended upon the number of strips farmed by him in the common field.

In addition to the Commons, there were considerable areas of "manorial waste" which were used by the community at large for rough grazing - mainly of pigs and sheep. Cattle were allowed in the common-fields after harvest and also meadowland was frequently thrown open to general grazing after the hay was harvested. For example, at Pampisford one such meadow was commonable from the end of hay harvest until Lady Day "with a bite on Easter Sunday" from 6 a.m. until the end of morning service. From this it followed that when Easter fell late all prospects of a hay harvest were spoiled!

In some parts of the fenlands, where good grazing was scarce, it sometimes occurred that a piece of common was used by two or more adjoining villages. Most of these "intercommons"

have disappeared since the drainage of the fens has converted poor pasture into rich arable land but one intercommon still remains in Stow-cum-Quy with which parish it is shared by Fen Ditton and Horningsea.

Common rights were thus of considerable value to medieval farmers and in most parishes "Pindars" or "Fen Reeves" were appointed to control and supervise the use of the commons. The accounts of the Willingham Fen Reeves survive in part from Elizabethan times.

As illustrating the extent of areas which were at one time subject to common rights, one may cite the three Crowland Manors of Cottenham, Dry Drayton and Oakington. Of this combined area of 11,400 acres about 5,500 acres were commonable and could support nearly 5,000 animals and domestic birds. Cunningham's book on Cottenham (see bibliography) gives a number of interesting details about the management of these commons.

As early as the 12th Century, some Lords of the Manor, realising the potential agricultural value of the "wastes", began to fence off areas for their own use - to the not unnatural discontent of the commoners. The "improvement of the waste" as this practice was termed, remained a source of discontent although the Statute of Merton (1236) laid down that the Lords' right to occupy the waste must be subject to their leaving sufficient pasture for the commoners.

Thus began the shrinkage of waste and common land which has been associated with the gradual increase in agricultural productivity and which led to the "First Enclosure Movement".

Enclosures in England

The term "Enclosure" has several meanings that are often confused. The three main types of enclosure were:-

- (i) The fencing of common lands.
- (ii) The abandonment of strip cropping and the re-allotment of common-fields into compact farms.

- (iii) The acquisition of land for residential estates and parks.

The effect of all but the last of these was beneficial to agriculture, but none was of immediate benefit to the condition of the peasants as a change in the use of land often resulted in a decrease in employment.

As already mentioned, the first type of enclosure occurred as early as the 12th Century and persisted, in spite of attempts, legal and otherwise, to arrest it. The enclosure movement proper, which was a combination of the first two types, started in the 14th Century, being originally effected by force or by private agreement between Lords and copyholders. The objection of the commoners, who stood to lose their greatest asset was understandable but the opposition of the small farmers was almost entirely due to sheer conservatism, their attitude being thus summed up by Vancouver in his description of Tever-sham:-

"Enclosure not relished, the inhabitants being opposed to innovation".

However, by the end of the 17th Century public opinion in most counties in England had changed in favour of the enclosure movement, it being realised that agricultural productivity would thereby be increased and standards of living generally improved. Thus began, in the early 18th Century, the Second General Enclosure Movement, Acts of Parliament being passed authorising the enclosure of much of the north-west and south-east of England. There was, however, a belt of Midland counties, of which Cambridgeshire was one, which successfully persisted in their opposition to enclosure until late in the 18th Century.

In 1801 and 1845 General Acts of Enclosure were passed, the latter authorising the enclosure of lands other than common pastures, by Provisional Orders alone. Consequently, between 1845 and 1852, when an amending act was passed, a large number of enclosures was made by this simplified procedure of Provisional Order.

The actual survey and allocation of lands to be enclosed, was undertaken, in each case, by Commissioners named in the

relevant Enclosure Act. The Commissioners' reallocation of land was recorded in an Award, manuscript copies of which were usually deposited in the parish, with the Board of Agriculture and with the County Authority.

The cost of carrying out an enclosure was considerable. For example, it appears from a statement published by the Board of Agriculture in 1800 that the average cost of enclosing one acre of land was as follows:-

	per acre
Expense of obtaining Act of Enclosure	6/2
Cost of the survey	3/2 $\frac{1}{2}$
Fees paid to the Commissioners	4/3
Fencing (boundaries only) of land enclosed	6/10
	<hr/>
	20/5 $\frac{1}{2}$

There is no reliable information available as to the area of common land in existence at the present time. Three estimates made at close intervals of time namely:-

1871 by the Enclosure Commissioners,
1874 from tithe commutation awards
and
1875 from the Landowners Return

differed widely and it would appear that none of them can be regarded as even approximately correct.

Enclosures in Cambridgeshire

As previously mentioned, most of the parishes in Cambridgeshire were among the last in England to be enclosed. Due to the continuance of the inefficient open field method of farming the County had, during the 18th Century, gained the unenviable reputation of being the worst farmed in the land.

There were, however, a few small areas enclosed privately as early as the 15th Century. Thus, it is recorded that, following an enclosure by Barnwell Abbey in 1414, a petition asserted that at Chesterton no houses were left standing except "a sheepcote or a barn" and similar buildings.

Little additional land was enclosed during the 16th and 17th Centuries, and, according to Professor Gonner, 33 counties out of a total of 37 listed had more land enclosed than had Cambridgeshire in the year 1675.

Before the 17th Century, a part of the county was undrained fenland in which common-field cultivation was impossible. Nevertheless, many common rights, not only of pasture but also of peat, wood and sedge cutting, were lost when some 36,000 acres of Cambridgeshire, the Isle of Ely and surrounding counties were made available for arable cultivation by the progressive drainage of the fens after the middle of the 17th Century.

A possible explanation of the local resistance to enclosure is advanced by Cunningham who suggests that in the 16th Century there was less motive in this district than in others for improvement because:-

"the Colleges at Cambridge offered a convenient market for food stuffs, both corn and dairy produce ... the corn rent act ... served to maintain their revenues as the value of money fell".

Nevertheless, the benefits of enclosure were appreciated by some progressive members of the community as one gathers from the following quotation from a note made by the Rev. Morden, Vicar of Landbeach, in 1759:-

"An enclosure of a considerable part at least of these commons would be highly beneficial and will, I shall hope, be soon adopted by those who are wise to discover their own interest therein".

In 1794 Charles Vancouver, on instructions from the Board of Agriculture, made a survey of the agriculture of Cambridgeshire. After visiting every parish he expressed the view that in the vast majority of cases the land would be improved by enclosure. He estimated that, at that time, two-thirds of the total area of the county, including eight-ninths of the arable land, were unenclosed, enclosures having been made in only 15 of the parishes. He further estimated that there were 7,500 acres of highland common and 8,000 acres of fen or moor common in the county, the enclosure and drainage

of which would increase their value by not less than £8,125. A further 156,000 acres he classed as heath and waste land which it would be uneconomical to attempt to improve.

A similar survey was made on behalf of the Board of Agriculture by the Rev. W. Gooch in 1807, his report being published in 1811. He found that during the 13 years following Vancouver's Survey, 60,000 acres had been enclosed to the great benefit of all concerned and he recommended that the process be continued at all speed.

The Enclosure Acts and Awards relating to Cambridgeshire parishes, excluding those within the Borough, are listed in Appendix A. It will be seen that Hildersham was the last parish in the county (and possibly in England) to be enclosed in this way; it remained "open" until 1889.

As will be seen from the following summary, a relatively small area of land had been enclosed by Acts of Parliament up to 1801, the majority of the enclosures having been made between 1802 and 1845:-

Period	No. of Acts.	Area Enclosed
		acres
Up to and including 1801	23	51,019
Between 1802 and 1845	76	140,013
From 1845 to date	9	8,298
Totals	108	199,330

The foregoing summary includes only such land as was enclosed by Acts which related to areas comprising, in part, arable common fields. In addition, several parishes were enclosed by private agreement between Landowners, as shown in Appendix A.

Since the date of the last Act of Enclosure two estimates of the total area of residual common land within the County have been made, namely the 1874 Return of Commons and Common Fields and the 1933 Land Use Survey. As already mentioned, the former,

being based on tithe commutation awards, was quite inaccurate, the total acreage of commons being given as 5919, and that of common fields 7476. The Land Use Survey, again inaccurate although to a far lesser extent, gave the area of commons as 1,300 acres.

The Results of Enclosure

The chief benefits resulting from enclosure were:-

- (1) The area of land available for cultivation was increased by reason of the removal of the dividing balks, a wasteful feature of open field strip cultivation.
- (2) As agricultural holdings became more compact, appreciable savings in labour and transport were effected.
- (3) Cattle which had previously grazed the open commons were segregated, thus rendering possible selective breeding. Moreover, as the cattle were confined by fences, it was no longer necessary to employ herdsmen to prevent straying.
- (4) The sole possession and use of land naturally encouraged the owner to expend labour and capital on its improvement, and freed him from the restrictions of communal farming.

The disadvantages of enclosure were:-

- (1) The withdrawal of common rights of various kinds from the poorer inhabitants of the countryside undoubtedly imposed added hardships upon that section of the rural community. There were, however, certain circumstances which tended to mitigate the hardships. Thus, the loss of the common right to cut turf came at a time when coal had started to supersede wood and turf as a fuel throughout the land. Again, the loss of the right to cut bracken and heather for litter and

thatching was offset by the availability of straw - a much more satisfactory material for these purposes - resulting from the increase in the area of land growing cereal crops and new methods of reaping.

- (2) More efficient methods of farming resulted in a decrease in the demand for labour with consequent unemployment. Happily, this almost coincided with the increased demand for labour and food in the towns occasioned by the Industrial Revolution.

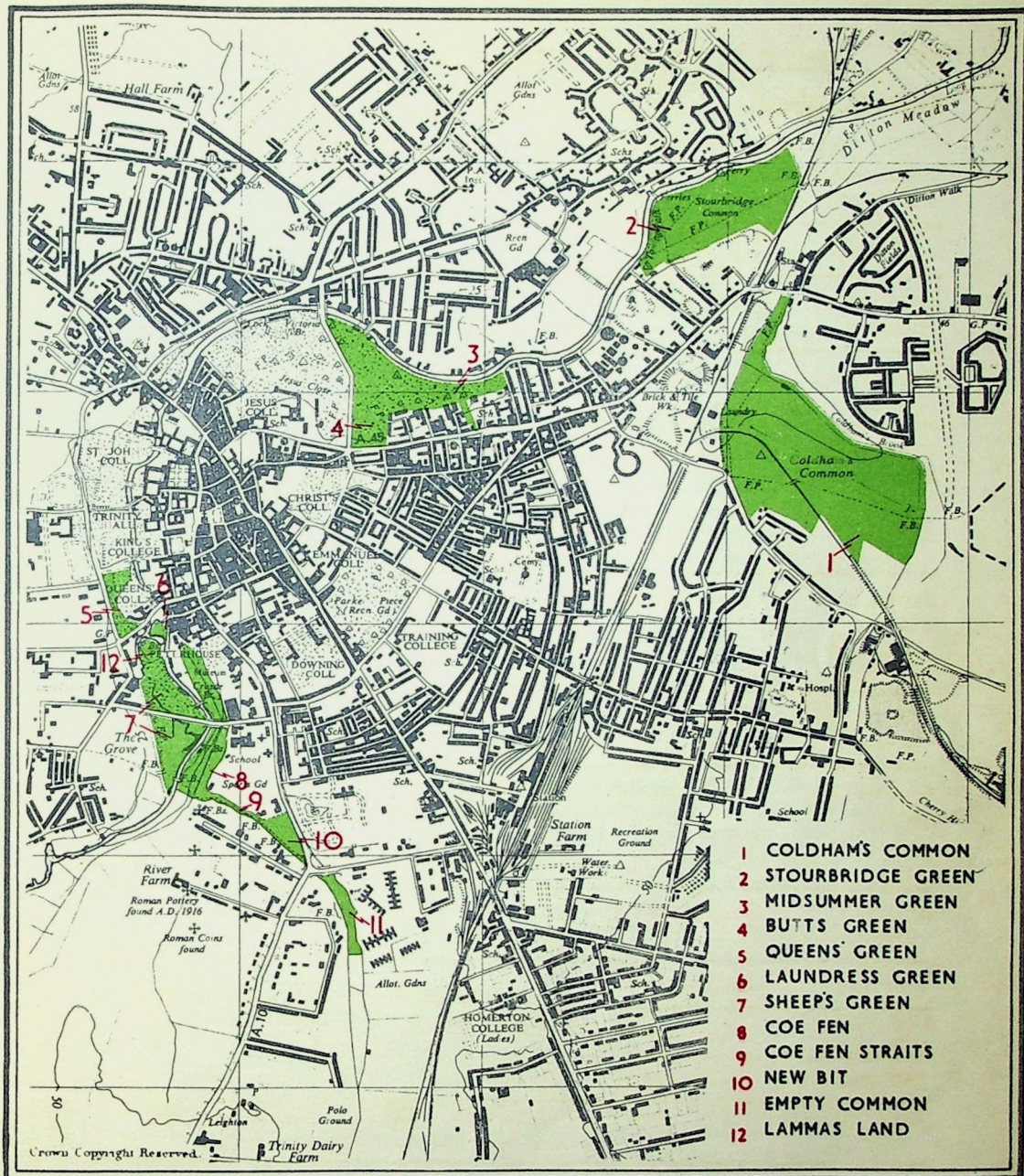
In Cambridgeshire, there can be no doubt that, on balance, enclosure effected an enormous improvement. Whereas in pre-enclosure times the County was said to be the worst farmed in England, today, with 67.9 per cent of the total area of the County (equivalent to 84 per cent of the total farm land) under arable cultivation, it is probably one of the most intensively farmed of all Counties.

III COMMONS IN THE CITY OF CAMBRIDGE

Present Extent

The City is fortunate in having a considerable area of well regulated commons. Their distribution is shown in Map 1 and their acreage and rights are as follows:-

Common	Estimated Extent	Rights of Common
Coldham's Common	98.47 acres	For geldings, mares and cows from Old May Day to Old Candlemas Day.
Sturbridge Green	42.27 acres	For geldings, entire horses and cows, from Old May Day to Old Candlemas Day.
Midsummer Green	28.24 acres	For geldings, mares and cows, from Old May Day to Old Candlemas Day. A small piece of this land is commonable for two days before Lady Day, in the day-time only.
Butts Green	5.41 acres	For geldings, mares and cows in the day-time only, from Old Lady Day to Old May Day, and from Old May to Old Candlemas Day by day and night.
Queens' Green	4.25 acres	For geldings, mares and cows, from Old May Day to Old Candlemas Day.
Laundress Green	0.76 acres	For horses, mares and geldings, and cows of St. Botolph's and St. Mary the Less, all the year on Sundays, Wednesdays and Fridays from sunset to sunrise.
Sheep's Green	21.38 acres	For Dairy Stock all the year by day and night.
Coe Fen	13.14 acres	For cows, geldings and mares, from Old May Day to Old Candlemas Day.
Coe Fen Straits	1.42 acres	
New Bit	4.56 acres	
Empty Common	4.76 acres	For mares, geldings and cows, all the year by day and by night.
Lammas Land (Nutter's or Foster's Close)	1.60 acres	From August 12th to April 6th.
Total	226.26 acres	



I. CAMBRIDGE CITY COMMONS

Part of Ordnance Survey sheets 52/45 & 52/46

The dates of the Feast Days mentioned in the foregoing tables are:-

Old Lady Day	6th April
Old May Day	13th May
Old Candlemas Day	14th February

Present Management

All the commons are managed by the City Council who are empowered by the Cambridge University and Corporation Act of 1894 (57 & 58 Vict.) to make by-laws. The by-laws relating to the commons are listed in Appendix B. The only qualification for grazing stock on the commons is that the animals concerned should be wintered within the borough boundary (from Dec.1 to March 25.) Under present circumstances this regulation is not rigidly enforced. In addition to the by-laws, the Council has made several orders which, in brief, prohibit animals under 18 months of age, diseased animals or unmarked animals from being put on any of the commons. The milking of cows on commons and the removal of animals without notifying the Pindar is also forbidden.

The grazing of the commons is under the supervision of the City Pindar, Mr. W.G.D. Clee, of 13 Union Road, Cambridge. Registration of Stock is made at the Town Clerk's office during the first week of December and a registration fee of 4 shillings paid for every animal that is to be grazed. Stock can also be registered during the month of January but on payment of a fee of 8 shillings. The maximum permissible number of registrations per person is sixteen. This efficient control of the commons makes them a valuable asset to the city.

During the 1951 season 260 cows and 90 horses were registered for grazing. The distribution was:-

Sturbridge Green	86 cows	8 horses (stallions)
Midsummer Green	-	16
Coldham's Common	106	37
Coe Fen	8	20
Sheep's Green	60	-
Queen's Green	-	9

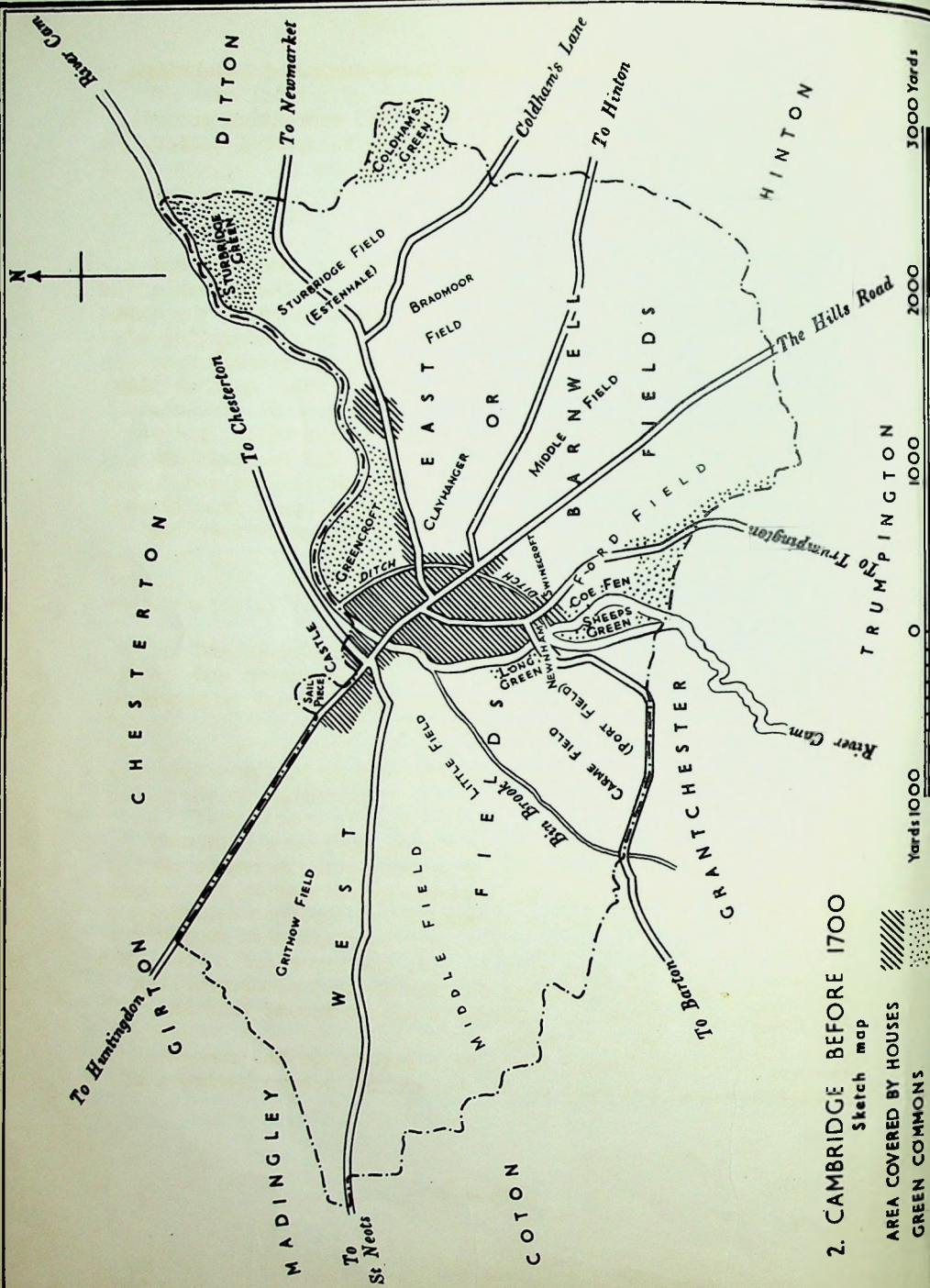
These animals belonged to 55 different owners. The figures for recent years are shown in the following table.

Year	No. of Users	Cows	Horses
1940	50	121	121
1941	59	167	124
1944	71	268	146
1945	80	247	183
1946	81	272	172
1947	72	254	154
1948	58	217	150
1949	62	280	121
1950	48	253	85
1951	55	260	90

Recent Changes

Recent changes in the commons have been few. During the last War New Bit was requisitioned for army huts but it was returned and resown with grass in 1952. During the 1914-18 War, Empty Common was taken over for allotments and, as the demand for allotments is still unsatisfied, there appears to be no immediate prospect of its reversion to grazing. The allotments are administered by the Central Council of Allotment Societies on behalf of the City Council and a small rent is levied for their use. Butts Green, which adjoins Maid's Causeway, is now unseparated from Midsummer Green. It formerly extended to the west side of Victoria Avenue but the ownership of this part passed to Jesus College when the College grounds were enlarged and the small area to the south of the east end of Midsummer Green was given in part exchange and added to the common. This latter area was used for allotments during the war but is not used for grazing at the present time.

In 1922 an area of the Lammas Land, which was partly commonable from July 6 to April 6 and partly from August 12 to April 12, was enclosed and the rights extinguished in order to make the Lammas Land Recreation Ground between Fen Causeway and Newnham Road. This was done under powers given by section 18 of the Cambridge Corporation Act of 1922 (12 & 13 George V). Section 20 of the same Act gave further powers to enclose a certain acreage of commons for recreation grounds, and, under these powers, Jesus Green, formerly part of Midsummer Green, was enclosed in 1923.



In addition to the commons there are now in Cambridge twenty-two pieces of "Public Open Space" of a total area of 185.26 acres. This includes the parks and recreation grounds, one being Parker's Piece, which, contrary to general belief, is not common land.

History of the Commons

In the middle of the sixteenth century the town had all the aspects of an agricultural community. The probable layout is shown in Map 2. Between the arable land of the open fields and the houses were the common pastures, consisting of low lying marsh. Next to the river, grassland reached from the brook at Sturbridge to St. Clement's parish. At that time a strip of pasture now occupied by college grounds stretched along the river from Northampton Street to the mills, and was known as Long Green. The commons known as Coe Fen Leys and Swinecroft extended from the river to the Hills Road and Northwards almost as far as Downing Street. Apart from these and the recent changes mentioned above the commons were the same as they are today.

William Harrison writing in the year 1577, says:-

"Cambridge hath not such store of meadow-ground as may suffice for the ordinarie expenses of the towne and universitie, wherefor the inhabitants are inforced to provide their haie from other villages about".

As arable land without pasture is of little use, a high value was attached to the right of pasturage on the commons. Exactly what these rights were is a matter of speculation. In early times, no doubt, they were customary and attached to the ownership of houses in the borough. A reference in the Domesday Book to the opposition to the construction of three mills on common land by the Sheriff illustrates the value that has always been attached to these rights, as does the fact that in 1381 the Mayor led a rebellion against the Prior of Barnwell who was accused of obstructing the commoners' driftway, Cooper's Annals record that in 1338 the Mayor ordered that:-
....."every man having any cattle going upon the common pastures should put such cattle before the common herdsman of

the town, and not elsewhere, on pain of 13/4d."

Although there is no early mention of the qualification for common rights, Cooper's Annals throw some light on the regulation of the pastures. In the treasurer's accounts for 1531 appeared the price of 17 shillings for a Common Bull, and in 1554 it was ordered by the Corporation on Hock Day that every man who kept kine on the commons of the town, should pay for every cow a penny yearly towards wintering the town bulls and destroying thistles on the commons. In 1550 an order was issued that no sheep should be put on any common except Sheep's Green on pain of forfeiture of 20s., and in 1569 a further order excluded all hogs from any Green or pasture, on penalty of 12d. for every hog.

In 1575 the Corporation confirmed an ordinance which provided that no "stoned horses shall be put on Boldham's pasture" and that nobody was to keep more than two hackneys upon the commons. After 1500 there were constant complaints of the overstocking of the Greens at Cambridge and attempts on the part of the Corporation to "stint" the number of sheep, cattle, horses and swine which any individual might put on them.

The first reference to any definition of the common rights is a by-law made by the Corporation in 1583 when rights were limited to such persons as were resident in a tenement "which of old time hath bene used for a dwellinge house": if the house or tenement had been divided among several tenants, only the occupant of the "chiefe mansion howse" was to have common on the greens.

From an ordinance of the same year it appears that the Aldermen were allowed greater privileges in the use of the commons than other householders. The poor, ousted from the commons and deprived of employment in tillage, justly suspected the dealings of the bailiffs.

In 1624 an ordinance was issued by the Mayor and Vice-Chancellor ruling that every occupier of an ancient tenement "having of old time broad gates" might turn out two head of cattle, while every occupier of other tenements and cottages

might turn out one. Also, every person having six score acres (one hide) of land in Cambridge Field might turn out six horses or bullocks. Further, every common carter was permitted to graze up to three horses.

Earlier, in 1549, it was complained that one townsman had enclosed and built upon some land, formerly belonging to The Barnwell Canons, which used to be an open field at Lammas. In another case, a piece of common land at the end of Jesus Lane had been enclosed, whereby the Corporation was enriched but the "hole inhaytaunts of the towne" injured.

These and other enclosures were the cause of a riot in 1549. Over 100 rioters pulled down fences and did considerable damage to property. The rising was suppressed by the Earl of Warwick in August of that year. The rioters were eventually given a general pardon and a Commission was appointed to redress their grievances and discover the extent of the encroachments.

The leader of the rioters was "Jake of the Style", and it was to him that Cambridge owed the preservation of her open spaces. But the battle was renewed many times, and down to the time of the Municipal Corporations Act of 1835 there were "baylies" who "pynced" pieces of common.

Often "the benefit of the poor" honestly enough, was alleged as the ground for the enclosure. Thus in 1579 the Corporation proposed to make a temporary enclosure of Jesus Green in order that the profits arising from letting it should go towards providing a hospital for the poor and giving employment to the idle, but the university objected and nothing was done. However, in 1631 the Privy Council sanctioned the letting of it for a similar purpose, for a period of ten years. In the plague year of 1666 the Corporation successfully petitioned Parliament to be allowed to take in 40 acres of Coldham's Common and there to erect pest houses. As late as 1841 the reformed Town Council made a serious proposal that, as there were few remaining legitimate commoners, the larger part of the commons should be enclosed and let as building ground or for market gardens. Fortunately, the general indignation, which found expression in a meeting at the Guildhall, put an end to the scheme. A similar

proposal in 1850 met the same fate.

Most of the Long Green was lost to the Commoners in 1613 when Trinity College extended their grounds beyond the river. In return they conveyed to the municipal corporation some 25 acres of their property in Middle Field. This now forms most of Parker's Piece: the remainder was added in 1811 when the southermost forty yards was taken from Middle Field when it was enclosed. More of Long Green was bought by King's College and the only remaining part now is Queens' Green.

At the beginning of the nineteenth century several Enclosure Acts were passed relating to parishes within the city. They were:-

Act	Award	Approx. acreage	Parish
1801	1803	40 acres	St. Botolph, St. Benedict, St. Mary and St. Andrew the Great
1801	1809	2211 acres	Trumpington
1802	1805	1200 acres	St. Giles
1806	1810	1997 acres	Cherry Hinton
1807	1811	1156 acres	St. Andrew-the-Less
1811	1817	27 acres	St. Mary
1838	1840	2656 acres	Chesterton

The 1803 award enclosed about forty acres of St. Thomas' Leys and extinguished the Lammas Rights, giving compensation to some 280 householders. Most of this area is now the grounds of Downing College or properties belonging to the college. The 1817 Award enclosed part of Coe Fen Leys in order to build the Leys School. The remaining acts were for the enclosure of the open fields.

By 1833 the town commons had become sadly neglected by

the Corporation who held that it was not their business to look after them. In the result there was no restriction enforced on the numbers or types of animals grazed, unless it was the fear of not being able to drag them from the mire. In May 1883, in response to a petition from the Town, Parliament appointed a Commission to look into the matter. They reported that -

"Freemen, being butchers, have a right of common for sheep on 19 acres of land called the Sheep's Green. This land is open on three days in the week to the cows of all the inhabitants of Cambridge. The commons belonging to the borough consist of 310 acres. Some of it is Lammas Land. The inhabitants at large enjoy the right of depasturing these commons".

This report presumably exercised some influence in bringing about the proper regulation of the commons which was eventually effected by the Act of 1835 (page 17) and 1894 (page 13) already mentioned. A report on the commons in 1877 shows that they were by then better managed and that their area, apart from the recent changes given above, was the same as today.

Summary

The twelve commons within the City of Cambridge have a total area of 226.26 acres. There are also 185.26 acres of Public Open Space. The commons have changed little since medieval times and, although they no longer fulfil their original purpose of providing grazing for the poor, they are still used to considerable advantage for grazing under very efficient management, besides forming the characteristic "green open spaces" of the city of today.

IV COMMONS IN RURAL PARISHES

BARRINGTON

The Green at Barrington, which is some 7 miles to the SSW of the centre of Cambridge, is unique in the county in that it is a combination of common and charitable lands. It has an area of approximately 22.29 acres and lies in the centre of the village on both sides of the road, as shown on Map 3.

Little is known of the Green before the village was enclosed except for Vancouver's statement in 1794 that -

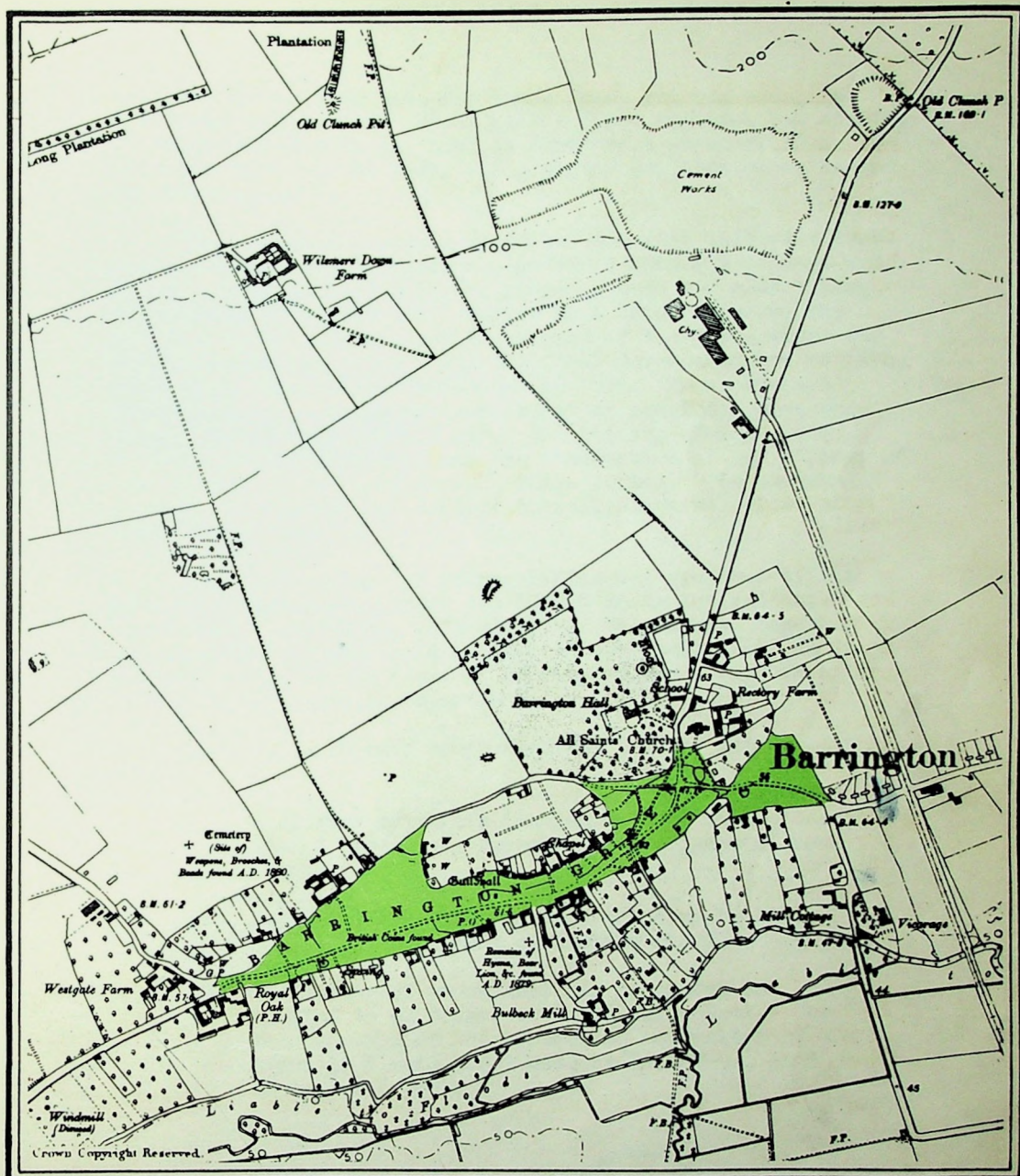
"There are thirty acres of moor or common, depastured by sheep and cows".

The Enclosure Act for Barrington was passed in 1796 and the Award confirmed in 1800. An extract from the award states that -

"We hereby order that the Green shall be had and enjoyed by such of the several occupiers of cottages only within the said village as are not owners of 2 acres of land in the said Parish of Barrington such occupiers not turning any geese thereon and stocking only at the rate of one cow and two sheep for every cottage or in lieu of the said cow four sheep in addition to the other two before mentioned. And in case any of the said occupiers shall exceed the said proportion or any other person not being such occupier as aforesaid shall put any cattle on the said Green he she or they for every such offence forfeit and pay to such person or persons as shall make complaints thereof to any Justice of the Peace the sum of five shillings for every horse ass or mule three shillings for every head of neat cattle one shilling for every sheep or swine and twopence for every goose".

The cost of the enclosure of the parish, which is given in a document in the Muniments Room of Trinity College, was over £2386. Gooch, when visiting the parish in his survey of 1811, wrote that -

"There are about 100 common rights, for each of which an



1000 0 1000 2000 3000 4000
FEET

3. BARRINGTON GREEN

Part of Ordnance Survey sheet LIII N.E.

acre was given, they were for three sheep and two cows, or five sheep and no cow: about half a dozen families had rights, and some were let at 5s. each to farmers: a green of 15 or 16 acres is left for the poor, for a pig or anything else, except asses or geese".

The disparity between these two accounts indicates that the regulation of the Green was probably rather haphazard and it was not until 1917 that any proper scheme for controlling the grazing was drawn up. Before that date, however, the Parish Council made by-laws in respect of the Green under the Public Health Act of 1875 and the Local Government Act of 1894, which were approved by Parliament in 1899. These by-laws prohibited all vehicles from crossing or remaining upon the Green, the digging of turf etc., the cutting of wood, the erection of any structure and the obstruction of any officer of the Council in the performance of his duties. The maximum penalty for any offence against these by-laws was fixed at forty shillings.

The 1917 scheme for re-regulation was prepared by the Charity Commissioners under the 1899 Commons Act and the Charitable Trusts Acts, 1853 to 1914. The scheme, together with the by-laws and award extract already mentioned, is in the possession of the Vicar of Barrington and a copy is held in the County Planning Department.

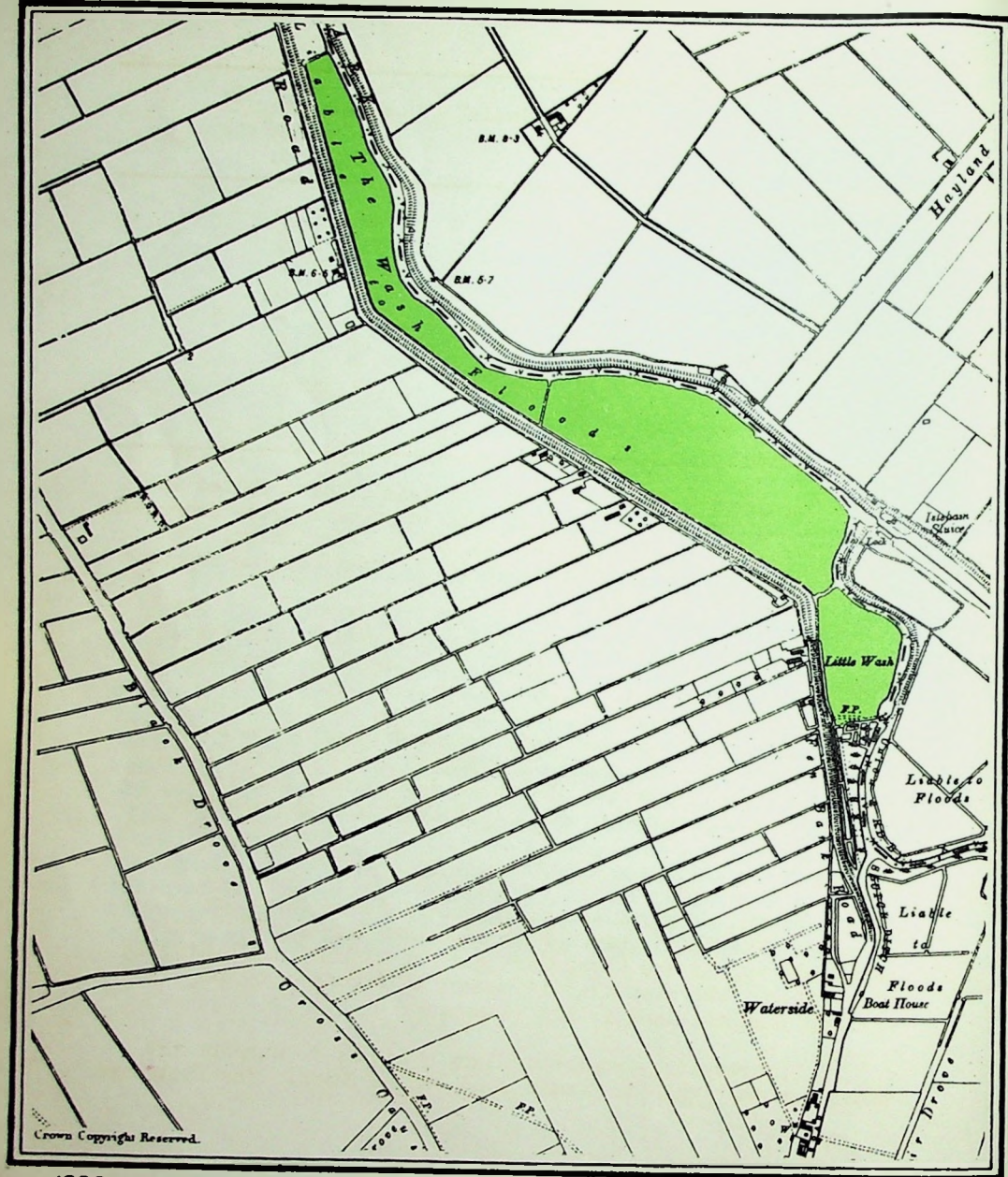
The scheme is very comprehensive, but the main points are:-

- (1) Qualified cottagers (manual workers owning less than 2 acres) may exercise their rights without charge.
- (2) Any remaining rights may be taken up by other residents on payment of a fixed charge.
- (3) The number of stock that may be grazed is limited to 40 horses or their equivalent. For the purposes of the scheme the equivalent of a horse is 1 mule, or 1 cow, or 2 donkeys, or 5 sheep, or 2 goats.

- (4) Each person may graze only one horse, or its equivalent, and in addition either 1 donkey or 3 sheep or 2 goats.
- (5) Cottagers may keep a reasonable number of poultry without charge.
- (6) After payment of all expenses, the Trustees shall apply the income derived from (2) above to the benefit of the Qualified Cottagers. The ways in which the money may be spent are listed in detail in the Scheme.
- (7) The Green shall only be open for grazing during the months and hours following:-

April, May, September
and October ... 6 A.M to 7 P.M.
June, July and August. ... 5 A.M to 8 P.M
- (8) No sub-letting of rights is allowed.

At present the Parish Council act as Trustees to the Charity and Mr. J. Svensson, the Clerk to the Parish Council, acts as Clerk to the Trustees also. The Green is regulated almost exactly as laid down in the 1917 scheme: as most "Qualified cottagers" soon became unable to keep animals, a tariff of fixed charges for all animals has been made for some years past. These charges were originally £1 for horses, cows and mules and 10s. for donkeys and goats, but on March 31st, 1933, with the consent of the Charity Commissioners, the Parish Council reduced the charges to 10s. for cows and horses and abolished the charges for goats. It was hoped that this would increase the number of animals grazed, but except for a temporary increase in 1934, there was in fact very little change until the war years, as may be seen from the following table.



4. ISLEHAM WASHES

Part of Ordnance Survey sheets XXXI N.W. & XXXI S.W.

Year	No. of Animals Grazed	Money given to Charity		
		£	s	d.
1920	38	25	16	0
1926	23	33	7	6
1932	7	8	5	6
1934	22	12	2	6
1938	9	-	-	-
1940	18	13	13	0
1943	31	6	0	0
1946	22	15	15	0
1950	15	17	8	6

The profit from the Green was usually distributed in coal, to all the cottagers, but with the recent price increases, the distribution is now limited to Old Age Pensioners. The total money devoted to charity since the start of the scheme in 1917 is £463 19 6d.

With rising wages it is found increasingly difficult to carry out sufficient weed cutting and ditching. The land, which is on Lower Chalk, is better drained and less weed infested in the western half of the Green. Football and cricket are played at that end, by permission of the Parish Council. The locally famous Barrington Feast or Fair takes place on the Green during the three days before Rogation Sunday and provides some additional funds for the charity.

ISLEHAM

To the north of the village of Isleham there are 45.04 acres of "The Wash" which are commonable (see Map 4). These washlands adjoin the River Lark and are liable to flooding in the winter. The area that is common is thrown open for grazing when the land is dry enough.

Unfortunately no documentary evidence to support the assertion that this is common land can be found. The Enclosure

Award of 1854 applies only to that part of the parish that lies to the south of the church and it is presumed that the north of the parish was enclosed privately. Vancouver, in his survey of 1794, mentioned that:-

"... there is a small Poor's Common of about 50 acres, subject to half of a draining tax, or nine pence an acre."

It is not clear whether or not this refers to "The Wash", Better evidence is given in an old account book (held by Mr. E.W.H. Diver, of "Oakwood House", Isleham) which mentions that 66.6 acres were exempt from rates and tithe payments. This presumably refers to all the washlands.

At present the grazing is without restriction to inhabitants of the parish and well over a hundred cattle and horses have been put on it during the past season. There are no regulations of any kind as to the use of the common. Mr. C. Wells of East Fen Road makes himself responsible for the fences and gates and reimburses himself by collecting a varying sum of money year by year from those he knows to use the common: no account of this money is kept.

SHEPRETH

In the parish of Shepreth there are 11.42 acres of common land known as "L Moor". The name is clearly derived from its shape which, as can be seen from Map 5, is in the form of a letter L. Recently it has come to be known to some as "Low Moor" but this is thought to be a corruption of the correct name. The Moor adjoins the parish boundary to the west of the village and lies on chalk soil, but, like the rest of Shepreth, is poorly drained and liable to flooding.

Before the parish was enclosed in 1823 (under an Act of 1811) there seems to have been other common land because Vancouver, in his survey of 1794, wrote of "Sheperheath":-

"The common field (sic) which lies in a direction towards Foulmire mill, is of a dry gravel and moory nature: it comprises about 100 acres, and is depastured without stint, by cows, sheep and horses".

After the enclosure of the parish, L. Moor was apparently managed by a body of Trustees who made their own regulations, administering the land as directed in the Award. A minute book of the Trustees which was opened in 1896 shows that the regulations and qualifications for common rights were similar to those of today, but as the Trustees had no legal power to enforce their rules they requested the Charity Commissioners in 1905 to draw up a full scheme for the administration of the common.

This scheme, which is in operation today, vested the land in Trustees who are appointed by the Parish Council for a four year term of office, with the Vicar and "Lords of the Manors" as ex officio members. Common rights are held as before by "bona fide occupiers of cottages in the Parish of Shepreth erected in or before the year 1882, whether the owners of land or hereditaments in the said Parish or not, but not holding or occupying 10 acres of land exclusive of the Charity Land". Each commoner may graze without charge one cow, bullock or heifer, but no other animals are allowed. Additional animals or those belonging to residents who are not commoners may be grazed on payment of a sum the trustees think fit, provided that the land is under-stocked. No sub-letting or selling of rights is allowed and the grazing season is limited to the period May 1st to December 31st inclusive.

Even as far back as 1902 only eight cattle were grazed by common right and at present commoners rarely have cattle with which to exercise their rights. Most of the cattle grazed belong to residents who pay the grazing fee of 10/- for each animal. Grazing permits are issued at a public meeting at the beginning of each grazing season by the Clerk to the Trustees, who is at present Mr. E.F. Bolson, of 10 Rivey Close, Linton. The charge before 1906 was 1/- per head: in 1907 it was raised to 2/-, in 1920 to 5/- and at some date after 1936 to 10/- per head. All the money received in this way is devoted to maintaining the hedges, ditches and fences on the common.

The number of cattle using the common in various years is shown in the table below:-

1902	16	1935	19
1915	21	1946	22
1920	19	1950	22
		1951	8

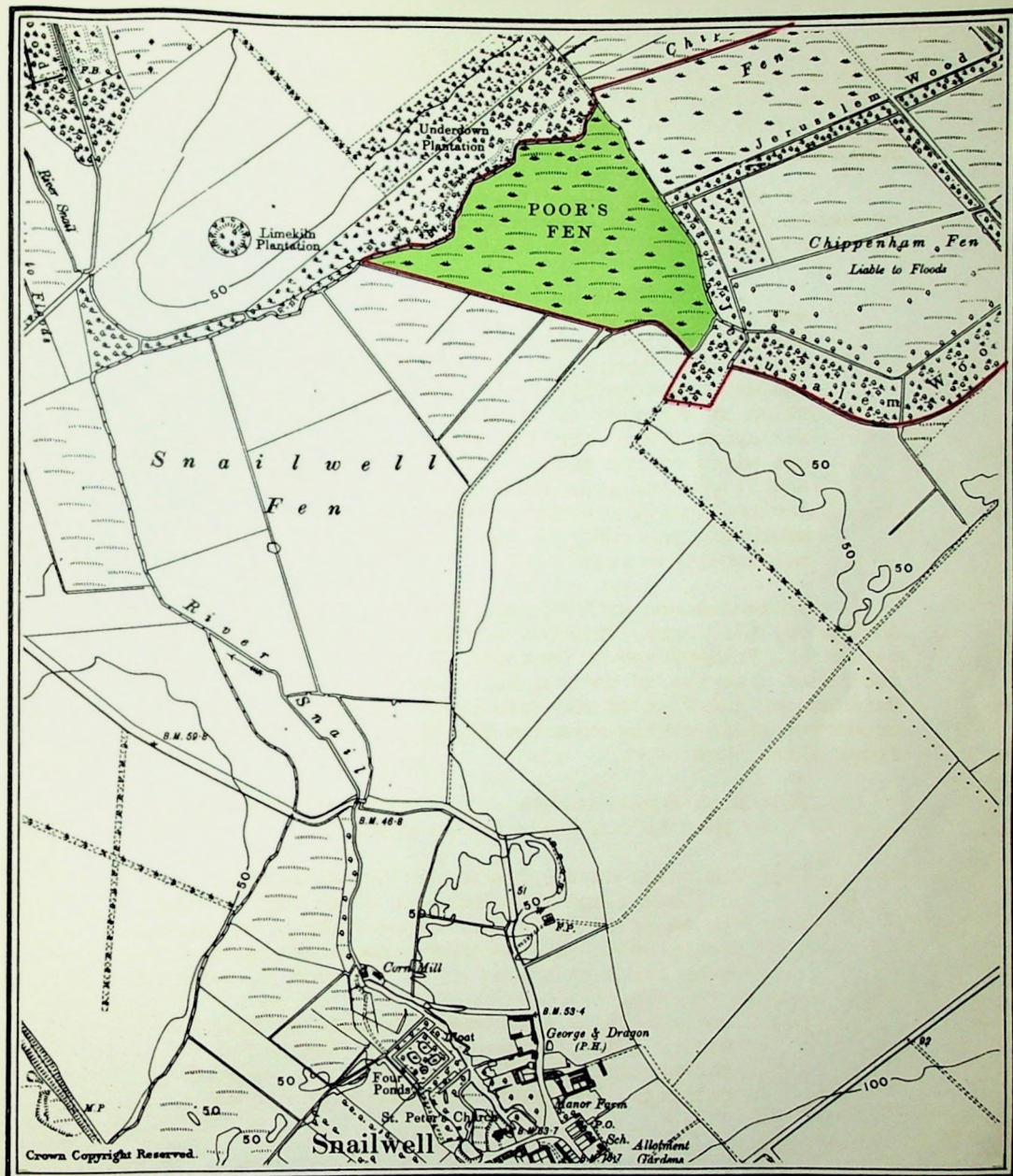
SNAILWELL

To the north of the village of Snailwell are 33.74 acres of common land known as Poor's Fen. This was allotted in the Enclosure Award of 1806 which states:-

"...And I the said Commissioner do hereby assign and allot unto the Lord of the Manor of Snalewell (sic) the Rector Churchwardens and the Overseers of the Poor of the said Parish for the time being for firing for the use and benefit of the said Poor a parcel of Fen which at the time of passing the first mentioned Act was appropriated for that purpose (that is to say) one piece of Fen ground containing by measure 33 acres and 37 perches And I do hereby certify and declare that the above allotment is set out as aforesaid agreeably to the directions of the first mentioned act"

In accordance with the above ruling a one time Lord of the Manor, (J. Tharp) with his Rector (N.J.Hill), a Churchwarden (E. Palmer) and an Overseer (J. Gittus) drew up and published a series of undated Rules and Regulations "for the Guidance of the Poor of the said Parish, in cutting and procuring their firing from the High Fen". The rules provided, inter alia, that

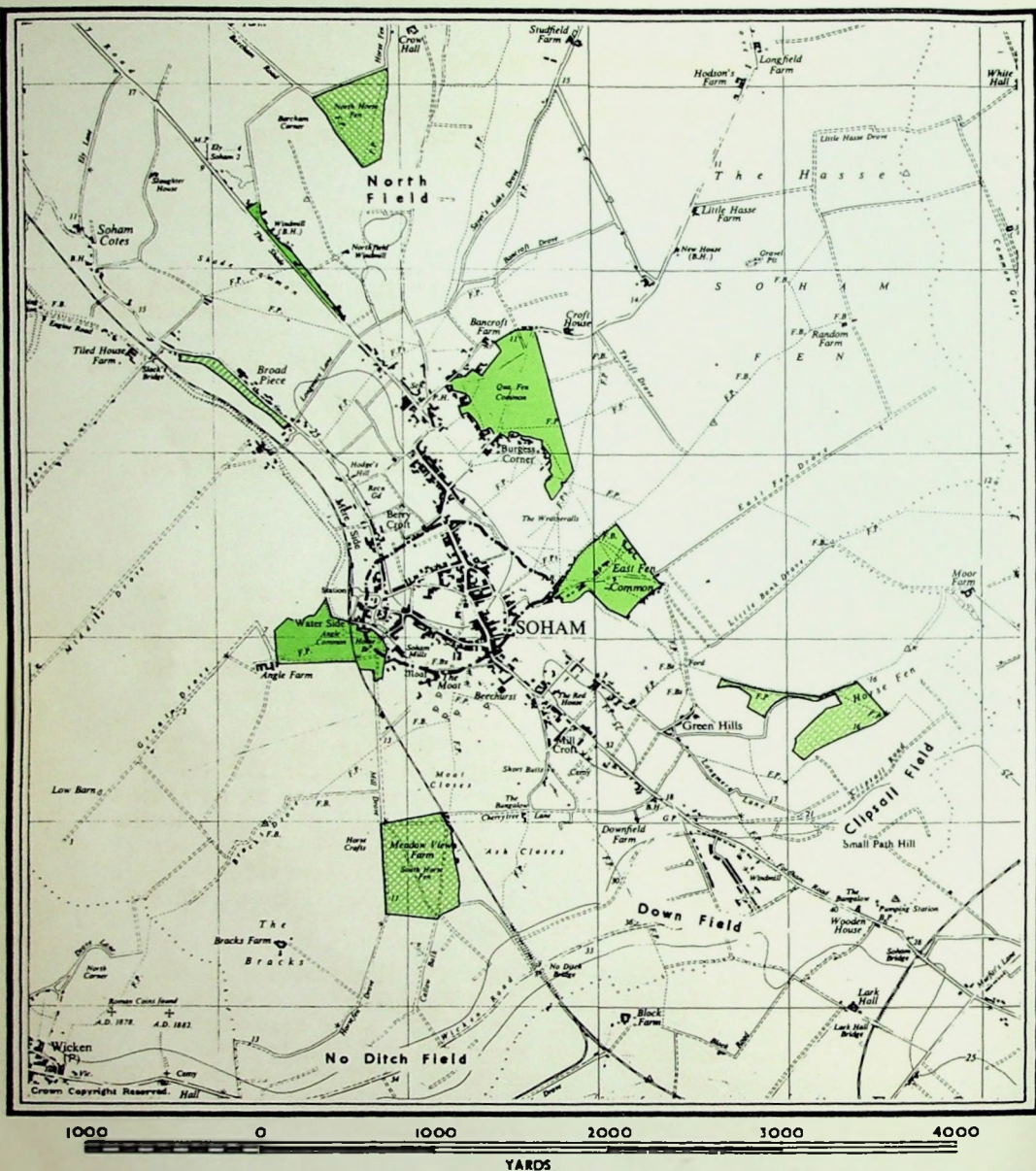
- (a) Each family was to cut no more turf for firing than it could use in the year.
- (b) The sedge on the fen was to be cut between Hallowmas and Christmas, at which latter time those of the poor who wished to have any were required to give in their names and pay as much per load for it as it had cost to cut.
- (c) Any remaining sedge could be used by the Rector and tenants of farms in the parish on the payment of 2/6 a load above the cost of cutting. The money thus raised was to be



6. POOR'S FEN SNAILWELL

NATIONAL TRUST BOUNDARY

Part of Ordnance Survey sheets XXXVI N.W. & S.W.



7. SOHAM POOR'S COMMONS AND HORSE FENS

POOR'S COMMONS	
HORSE FENS	
BROAD PIECE	
CHALK-GAULT BOUNDARY.	

Part of Ordnance Survey sheets 52/57 & 52/67.

spent on bread for the poor.

- (d) Any person breaking any of the rules or found selling sedge or turf was to lose his right for three years.

Several copies of these rules and regulations are held by the present Rector.

No indication can be found as to the extent to which the Fen has been used in this way. It is known however that common rights have not been exercised for many years. The Fen is part of the Chippenham Park Estate and, together with Chippenham Fen, was a few years ago placed under the protection of the National Trust. The Poor's Fen and boundary of the National Trust area is shown on Map 6. The common is used at present only for shooting and even this practice is dangerous because of many deep holes concealed by the sedge.

SOHAM

The parish of Soham is the most remarkable of all the county parishes in that, of its 13,000 acres, some 5.2% consists of common and charitable land. The parish has never been enclosed and the agriculture still shows quite definite signs of the medieval pattern, so that the commons are important in the life of the village. Although some amalgamation of strips has occurred, the four big areas of North Field, No Ditch Field, Downfield and Clipsall Field still retain the open-field pattern and there are large tracts without ditch, hedge or fence. These are not the only remains of the medieval pattern for attached to the open-fields are three common "Horse Fens" for the use of the open-fields farmers and nearer the village are four large commons, called "Poor's Commons", for general use.

Reference to Map 7 will show the distribution of the open-fields and commons and it is interesting to note the effect of the geology on the layout. It will be seen that the old village (round the church and river bridge) stands on a slightly raised outlier of Lower Chalk. This is surrounded by an area of Gault clay and, being relatively poor arable land, it is here that nearly all the Poor's Commons and Horse Fens

are to be found. Outside this area, on the better Lower Chalk and Fenland soils, lie the four open fields and in places the Gault-Chalk boundary actually marks their inward edges. The layout of the whole village has therefore been almost entirely controlled by geological factors, the common grazing land being on the least productive soil.

(a) SOHAM POOR'S COMMONS

The Present Situation

Map 7 shows the four Poor's Commons which consist of:-

(i)	Qua Fen Common	63.43 acres
(ii)	East Fen Common	56.37 acres
(iii)	Angle Common	33.43 acres
(iv)	Shade Common	4.90 acres
Total		158.13 acres

All these commons are on Gault Clay with the exception of that part of Angle Common to the East of the railway line which is on the Lower Chalk. At present the management of them is in the hands of a temporary Commons Committee under the chairmanship of Mr. Edward Leonard, "The Hall", Sand Street. The clerk to the committee is Mr. A.R. Pettitt, "Gaywood", Sand Street, and the Treasurer, Mr. R. Cornwell, King's Parade, Soham.

The right of pasture established by the last Court Leet of 1909 was limited to persons with total assets of less than £100. It is understood that, because of this limitation, there is at present no stock owner legally entitled to use the commons. This difficulty used to be surmounted by farmers and others buying rights from the poor cottagers who could not make use of them. However, until such time as the commons regulations are revised, the Committee are now allowing any villager to graze as many cattle as they consider fit. The present grazing season is from 12th May to 31st October inclusive and permits are issued by the Treasurer on payment of the

appropriate fees, which are:-

Cows and Heifers	30/- each
Horses	30/- each
Geese	2/6 each

This income is expended on the maintenance of hedges, ditches and gates and on the salaries of the Clerk to the Committee and the Fen Reeves - John King and George Peachey. The Fen Reeves control the grazing but as animals do not have to be branded or bear any distinguishing mark it is difficult to detect unauthorised grazing. Considerable annoyance is caused by animals straying off the commons on to private property due to gates being left open. Qua Fen and East Fen Commons both have roads running through them and the gates are frequently left open all day. Straying from Qua Fen Common has recently been aggravated by the linking of its road to the main Isleham - Prickwillow road with a consequent increase of traffic across the common. At night time the Fen Reeves close all the gates and the animals on East Fen Common are driven into a fenced enclosure on the east side. However, straying still remains a great problem and doubtless will continue so unless or until cattle grids are put down at all entrances. This would entail an expense which the funds of the present Committee would be unable to meet.

The 79 acres of the Shade Common to the west of the road have recently been taken over by the County Agricultural Executive Committee (see War-Time Changes) and only 4.9 acres to the east side of the Soham - Ely road are left. No grazing now takes place on this area so that there is no danger of obstruction of the main road. Because of traffic it would, in fact, be impracticable to use the area for further grazing of untethered animals. At present there are several unauthorised poultry pens on the area and encroachments for the purpose of extending private gardens are gradually reducing its size.

Encroachments have also been made on all other Soham commons. On East Fen, houses have been built both in the centre and along the edges of the common land. Many of the properties surrounding Qua Fen are part of the original common

and even today gardens are being slowly and unobtrusively extended through lack of sufficient vigilance.

Although "commoners" are able to choose the common which they wish to use, the distribution of animals is fairly even, size for size, and there is no serious crowding on any one common.

The figures for the 1951 grazing season are:-

Common	Acres	Cattle	Horses	Geese
Qua Fen	63	59	1	36
East Fen	56	61	1	33
Angle	33	23	5	4

History

In 1664 disputes arose between the Lord of the Manor and local inhabitants regarding common rights which were presumably affected by the draining of the Bedford Level. The matter was referred to two arbitrators, Sir Thomas Chichley and Sir Jonas Moore, who, on 12th December 1664, made their award by Deed Poll and directed that 200 acres should be set aside for feeding the cattle of poor cottagers and others. It is reasonable to suppose that these 200 acres are in fact the 238 acres comprising the present commons and the part of Shade Common recently requisitioned by the Agricultural Executive Committee.

It was also agreed at that time that the land should remain vested in Sir Thomas Chichley, one of the arbitrators, and his heirs to be conveyed and settled "upon the uses in the Award directed". He apparently did nothing in the discharge of this obligation and in 1682 the inhabitants of Soham instituted a suit against him in the Court of Exchequer. By a Decree of 1687 he was required to convey this land to the Master of Pembroke Hall, Cambridge, the Vicar of Soham for the time being, and to twelve trustees. The first Conveyance

was made in 1709 and ultimately by virtue of an Indenture of Release in 1829 the land became vested in Gilbert Ainsley, Master of Pembroke Hall, also then Vicar of Soham, and twelve trustees. A later Conveyance of 6th June 1858 indicates that the Commons were then conveyed to William Warren (a surveyor) and Wilkinson Witham (a School Master).

The subsequent regulation of the Commons is obscure. The qualifications for common rights were apparently set out by the Court Leet of the Manor of Soham and Fordham, parcel of the Duchy Lancaster. In the proceedings of a Court on the 26th April 1744 is found the following ruling -

"no person that is worth forty shillings per annum or that occupieth four pounds per annum or is worth forty pounds in stock shall keep any cattle on the Poor's Common or digg turf in the Hundred Acres under the penalty of paying to the Lord of the Manor 3 shillings and 4 pence and to the Pinder 6 pence per head for every offence".

Vancouver, in his survey of 1794, stated that -

"There are about 200 acres of rich pasture ground, belonging to the poor, and affording the possessors of a common right the pasturage of three cows or two horses, no one eligible to hold these rights who possesses or occupies four pounds per annum. There are besides about 150 acres of horse common, depastured under a decree from the Court of Exchequer; both these tracts are richly worth, and are valued at 25 shillings per acre".

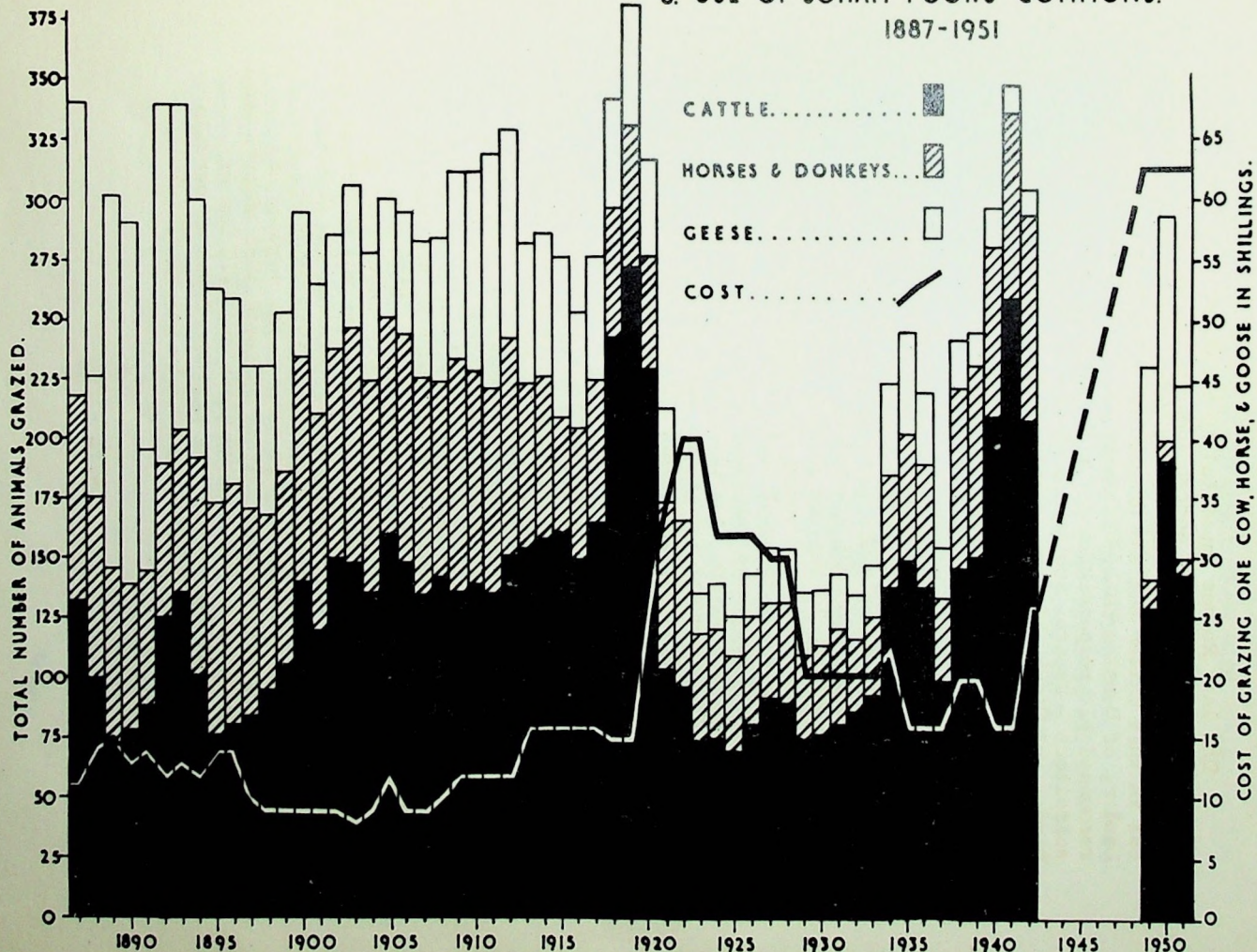
The last Court Leet convened in 1909, limited the right of pasture to such persons who had total assets of less than £100 or whose annual rent was less than £5. At that time there were three Fen Reeves and each commoner was allowed to graze up to three horses or cows and one set of geese (3 geese and a gander). The grazing season was then from 21st April to 20th December. The management of the commons was entirely in the hands of the Reeves and a Clerk appointed by the Lord of the Manor.

The last Reeves appointed by the Court Leet were John King, George Peachey and George Johnson and the Clerk Ebenezer Horsley. A succeeding Lord of the Manor showed little interest in this matter and the present Lady of the Manor, Mrs. M. Leader, of Denston Hall, Wickhambrook, Near Newmarket, has renounced all responsibility for the commons through her solicitors - Messrs. Ruston and Lloyds of Newmarket. The Reeves and Clerk, however, continued their work. On the death of Mr. Horsley in 1924 Mr. R. Banyard took over the duties of Clerk to the Reeves and continued in office until his decease in 1948.

Chart 8 shows the extent to which the Commons have been used since 1887 when the present account book was started. The graph shows clearly the heavy grazing of the two wars and the agricultural depression after the first World War. Also shown on the graph is the sum charged each year for the grazing of one cow, one horse and one goose. Income from this source was devoted to the cutting of weeds, ditching, fencing, maintenance of gates and to paying the Clerk and Reeves and a stockman, who was at one time employed on Shade Common for their services. Some further income was derived from the occasional sale of Gault, tree cuttings etc., and more recently rent has been received from the Electricity Board for wayleaves and from the Royal Observer Corps.

During the war the late Mr. Banyard, Clerk to the Reeves, raised with a number of authorities the question of the future of the Commons and made many unsuccessful efforts to get them put on a proper legal footing. The Charity Commissioners considered that the management of the Commons was the responsibility of the Minister of Agriculture because the powers conferred upon the Enclosure Commissioners by the Commons Act of 1876 had subsequently been vested in the Minister. Consideration was given to the possibility of regulating the Commons under the 1876 Act, but the proposal was abandoned as it was considered too expensive. Furthermore, the Commons Act of 1899 and the Commons Regulations 1935 Order No. 840 were not deemed to apply in this case as the commons are primarily agricultural land. It is believed that efforts were also made to regulate the Commons under the 1925 Law of Property Act, but this method was also abandoned as certain people whose signatures were required to put an official

8. USE OF SOHAM POOR'S COMMONS.
1887-1951



scheme into operation were not prepared to sign, owing to the doubtful legal situation.

War-Time Changes

In 1943 the War Agricultural Executive Committee, hereafter referred to as the W.A.E.C., requisitioned all four commons in order to obtain higher food production. The 79 acres of Shade Common to the west of the road, approximately 25 acres of Qua Fen Common to the east of the road and Angle Common to the west of the railway were ploughed up. Shade and Angle Commons produced quite good yields of corn but the drift soil of Qua Fen was found to be unsuitable for cereals and subsequently was put under root crops. The remainder of the commons were thrown open for grazing to all irrespective of common rights. The Fen Reeves were put on the pay roll of the W.A.E.C., as was the Clerk, Mr. Banyard, until his death in 1948, when Mr. R. Cornwell took over.

Under Section 85 of the Agriculture Act, 1947, the Minister of Agriculture is empowered to acquire any land (including a common) which has been requisitioned during the war for agricultural purposes, in order to secure the best use of it for agriculture. Consequently, after the war, the Minister made proposals for the acquisition of all Soham Poor's Commons but owing to local opposition all but that referring to Shade Common were dropped. The "Shade" had become a very fertile area following extensive improvements and the Minister was unwilling for it to revert to the commoners unless they could undertake its proper management and maintenance as grazing. As an assurance to this effect was not forthcoming, the necessary Acquisition Order for the 79 acres was made and laid before both Houses of Parliament in April 1951. The land referred to is rented until 1952 to the Peacock brothers of Middlemere Farm and is at present under corn and root crops.

The W.A.E.C., wartime contract provided that the commons should be returned to the commoners in the same state as when they were requisitioned. Consequently, Qua Fen and Angle Commons were drilled with grass and de-requisitioned with all other common land (except for the part of the "Shade" mentioned above) on the 1st November 1950, when the present temporary Commons Committee took over the management.

Future Proposals

A scheme has been prepared by Messrs. Ennions, solicitors in Soham, to regulate the commons under the Commons Act of 1899 and it has been submitted to the Newmarket Rural District Council for approval. The scheme proposes regulation on similar lines to the present but with a proper legal footing and the revision of common rights. Full details of the scheme are not known, but if Parliamentary approval is given it is hoped that powers will be delegated by the R.D.C., to the Parish Council.

Application has also been made for a public Recreation Ground on Qua Fen Common, on the area ploughed during the war, but this will presumably require the Charity Commission's approval and the payment of compensation to the "Commoners".

Broad Piece

To the North-West of the village on both sides of the road to Soham Cotes is an area of 9.77 acres of presumably "common-land" called Broad Piece. Little is known of the legal status of this area: it is not regulated in any way and no details of any grazing rights can be found. Apparently it used to be an "overnight resting place" for cattle and sheep being driven through the village, presumably on the way to Ely for shipment by river. It is possible that it may be now classed as Roadside Waste. The land is poorly drained and unlikely to be of much agricultural value. It has been dug in places for minerals, possibly for clay or for road-metal. The only present user is Mr. E.W. West (whose farm adjoins Broad Piece) who grazes his herd of about a dozen cows on the area. Here again, through lack of regulation, encroachment is taking place.

(b) SOHAM HORSE FENS

The three Horse Fens are shown on Map 7. They are:-

North Horse Fen	29.43 acres
South Horse Fen	49.38 acres
West Horse Fen	31.09 acres

109.90 acres

These were left for the benefit of the open field farmers and the rights are attached to the land, not to persons as in the case of the Poor's Commons. The ownership of 12 acres in an open field constitutes the right to graze one cow or horse in the appropriate fen - North Horse Fen for North field, South Horse Fen for Downfield and No Ditch Field, and Wet Horse Fen for Clipsall Field.

Each year on the 9th and 10th of May all the farmers that own more than three acres in any of the open fields meet in the pavilion on the Recreation Ground. They there elect two Horse Fen Reeves, one of whom acts as Treasurer. At present the Reeves are Mr. J.H. Fisk of Brook House and Mr. F. Clement. Also, as every land owner does not want to take advantage of his rights, buying and selling of rights takes place. The present average price of one right is 15/-. There are in all 95 rights. The expenses of weed-cutting, fencing, ditching etc., are borne by the commoners and to meet this expense during the present year a charge of 25/- was made for every animal grazed.

The grazing season on the Horse Fens is from 13th May to 11th November. No bulls, entire horses or second calves after the age of one month are allowed on the fens. None of the three areas is crossed by a road so that straying is rare, except from Wet Horse Fen where cattle sometimes cross the river. The grass is in quite good condition except for parts of Wet Horse Fen which, being next to the river, is in places poorly drained and weed-covered. Nevertheless the Horse Fens are of considerable value to the open field farmers, who often have no other grassland, and they take good care to maintain the quality of the grazing.

(c) CHARITY LAND

In addition to the commons there are at least 400.18 acres of charity land in Soham parish. Included in this

figure are 92.92 acres of allotment land to the north of the village known as the "Hundred Acres". Before the war the income from this land was distributed in cash amongst the commoners of the parish but when a road was recently built leading to it all the revenue from rents was for some time taken up in paying for it. A scheme for the regulation of this land was drawn up by the Charity Commissioners on 14th April, 1944. The cost of the road has now been paid in full and the Trustees have made application to the Charity Commissioners for approval of a new scheme for expending the income. Some confusion, however, exists in the minds of many of the villagers who think that this poor benefit is in some way connected with the commons and not the charity land and therefore cannot understand its disappearance.

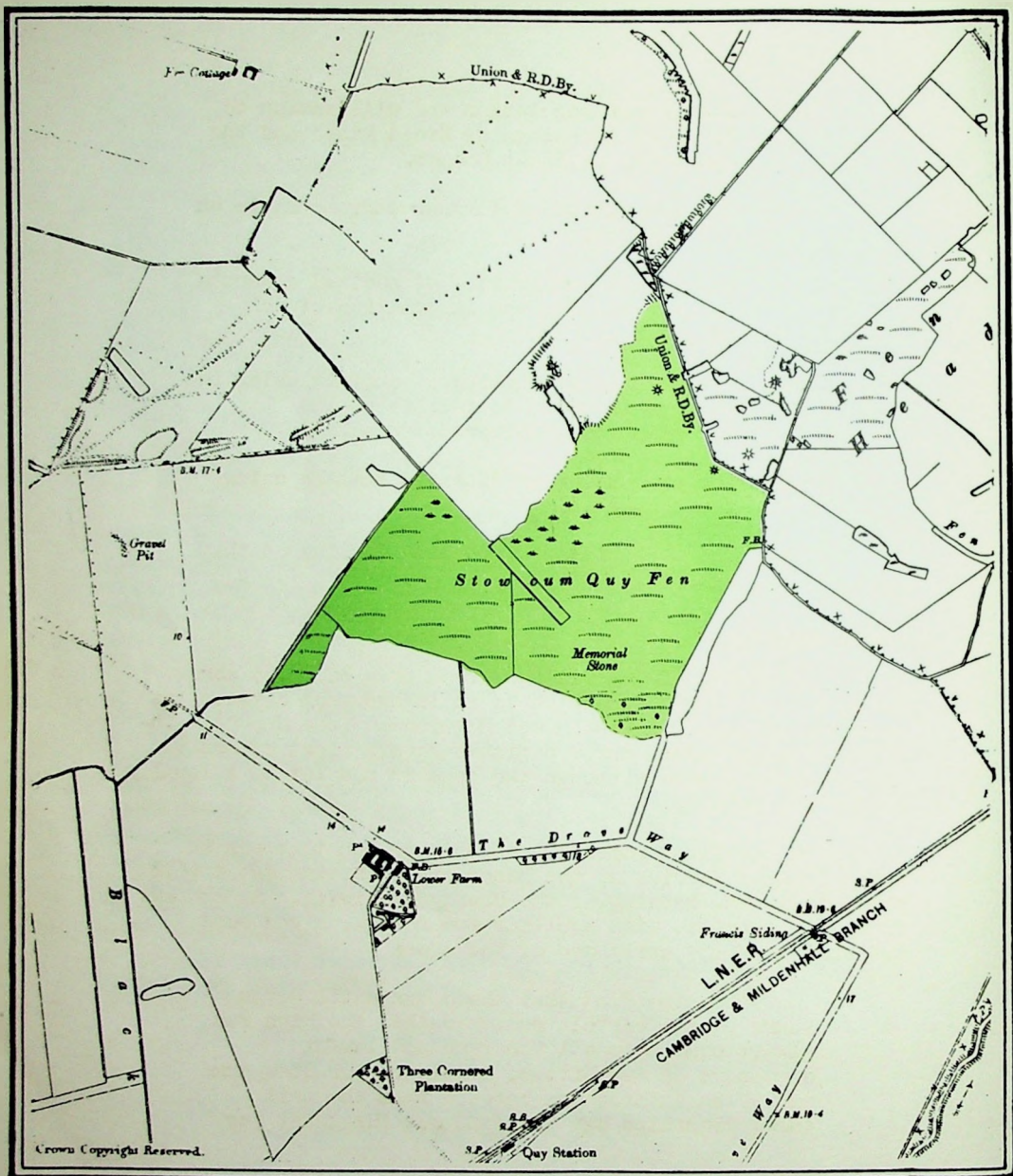
(d) SUMMARY AND CONCLUSIONS

The parish of Soham has never been enclosed and it still has a considerable area of common land, namely 158.13 acres of Poor's Common, 109.90 acres of Horse Fens and the unregulated Broad Piece of 9.77 acres making a total of 277.8 acres. In addition, there are some 400 acres of Charity Land.

The Horse Fens, which are for the benefit of the open field farmers, are used to good advantage but since the decay of the Manorial system the Poor's Commons have never been properly regulated. Although these commons are no longer of use for their original purpose of providing pasture for the poor cottagers, they could be a great asset to the village if properly managed. It is hoped that a new scheme will be brought into operation in the near future to ensure that the best use is made of the land and that the rare medieval pattern will be yet preserved.

It seems necessary that the new by-laws should make provision, inter alia, for:-

- (i) Cattle grids on all commons to prevent the wide-spread nuisance of straying animals.
- (ii) Revised common rights and regulations to prevent over-stocking.



1000 0 1000 2000 3000 4000
FEET

9 QUY POOR'S FEN

Part of Ordnance Survey sheets XL N.E., XL S.E., XL N.W. & XL S.W.

- (iii) The proper regulation and utilisation to the best advantage of Broad Piece and the remainder of Shade Common.
- (iv) The prevention of further encroachments on all commons.
- (v) The annual publication of audited accounts and reports for the information of the villagers.
- (vi) The compulsory marking of animals using the commons in order to facilitate the detection of unauthorised grazing.
- (vii) The prevention of diseased animals using the commons.
- (viii) The prohibition of rubbish dumping on the commons.

STOW-cum-QUY

Due north of Quy Village is an area of 70.73 acres known as Quy Poor's Fen which is an intercommon between the parishes of Quy, Fen Ditton and Horningsea (see Map 9). The inhabitants of these three parishes have a right of access and of cutting wood although the area is now let to a local farmer for grazing.

The earliest reference to this common that can be found is in a Terrier of the Manor of Fen Ditton dated 1672 which is in the keeping of the County Archivist. An extract from this terrior, with spelling modernised, gives some indication of the early use of the area:

"We also find that there was until seven years past a certain common called the High Fen always common to all the free and lawful commoners of Fen Ditton, Horningsea or Stow cum Quy as an intercommon between them the said three townships but the same was for guist (or

gest) oattle only used and the commoners of Stow cum Quy were to put on no other cattle than such as were plunged over the lake called Plunge Lake. We find that the said High Fen over and besides the drainers' ground and the turf pits part thereof did and doth yet according to a survey also of the said George Skinner contain the number of ----- . And we find that the same is since the drainers took away those grounds bounded east on the drainers' ground and the Turf Pits, south and west on Low Fen and north on Cleyhithe Field and Common or horn called "The Ruffe".
(folio 10)

Vancouver made no reference to common land under the heading of Stow-cum-Quy but in his report on Horningsea he mentioned that ...

".... there are about 150 acres of common, appropriated to the Poor of Horningsea, Quy and Ditton, which have been much injured, by the digging of turf, and owes its present deplorable condition, as do the other low lands, to the height of the bed of the River Cam, and the shameful neglect of the banks"

Even if the present common was not included in the "150 acres" mentioned, the report gives some idea of the condition of the area at the time.

The Enclosure Award of 1840 makes no mention of the right of common in the text but the map marks the boundary of an area of "70 acres" belonging to "the Poor of Quy, Ditton and Horningsea".

In the minutes of the Parish Council of 1895 a schedule of parish charities mentions:-

".... 63 acres used by the poor indiscriminately for digging fuel and cutting stover".

This, of course, may have no connection with the inter-common and its location is far from clear. However, it does

appear that the right of pasture described in the terrier of 1672 had lapsed. On the other hand it may well be that the terrier refers to a different area that has since been enclosed, although the narrow "neck" of land without a ditch dividing it from the southern part of the common is a likely place for the former "Plunge Lake".

At the beginning of the present century a company was formed to give work to local unemployed by digging coprolites from the common to be sold as fertiliser. This was done under Mrs. Francis, a forebear of the present Lord of the Manor, with the consent of the three villages. Several pits were dug in the common but the company was not a financial success and went into voluntary liquidation.

Between that time and 1940 the common was used a little for cutting grass and sticks but was virtually waste land and of little value to any of the three villages.

In 1940 the W.A.E.C., asked the Quy Parish Council to arrange for the Poor's Fen to be let for grazing for the duration of the war. A board of trustees was formed comprising two members of each of the three parish councils concerned and the Fen was advertised to let in the local press by Mr. G.T. Watts, the secretary. A tender of £30 from Mr. E.J. Lewin of Horningsea was accepted on condition that the villagers of all three parishes should retain their rights of access and of cutting wood and that no dangerous animals should be grazed.

Mr. Lewin put up fences where the ditches and hedges of the common were insufficient to prevent cattle from straying. In 1942 the tenancy was transferred to Mr. B.W. Lewin, the son of the former tenant, and the rent increased to £35 a year.

By March 1949, when a meeting of the trustees was held, the sum of £317 2s. 5d. had accumulated from rent and the sale of rabbits to the W.A.E.C., the only outgoings being the Clerk's small salary and expenses and a drainage rate. The Trustees decided that each of the three parishes should be given £100 from this money.

Thereafter, the question arose of how this money should

be used for the benefit of the respective parishes. Upon being consulted, the Charity Commissioners decided that, instead of small sums being widely distributed, substantial relief should be given in a small number of cases, or alternatively, the money should be spent on improvements to recreation grounds. In fact, Fen Ditton have spent their money on the repair and improvement of almshouses, while Quy and Horningsea Parish Councils have not as yet decided how to expend their shares.

The Poor's Fen continues to be let for grazing to Mr. Lewin. The grass is not good and numerous hawthorne trees and other bushes cover most of the western half where the water-filled coprolite pits are situated. Potentially, the soil is good, judging by the productivity of the surrounding fen, and Mr. Lewin is considering applying to the Trustees for permission to plough and reseed some of the common. As can be seen from the map, the only approach to the common is by a drove which in winter is churned into mud.

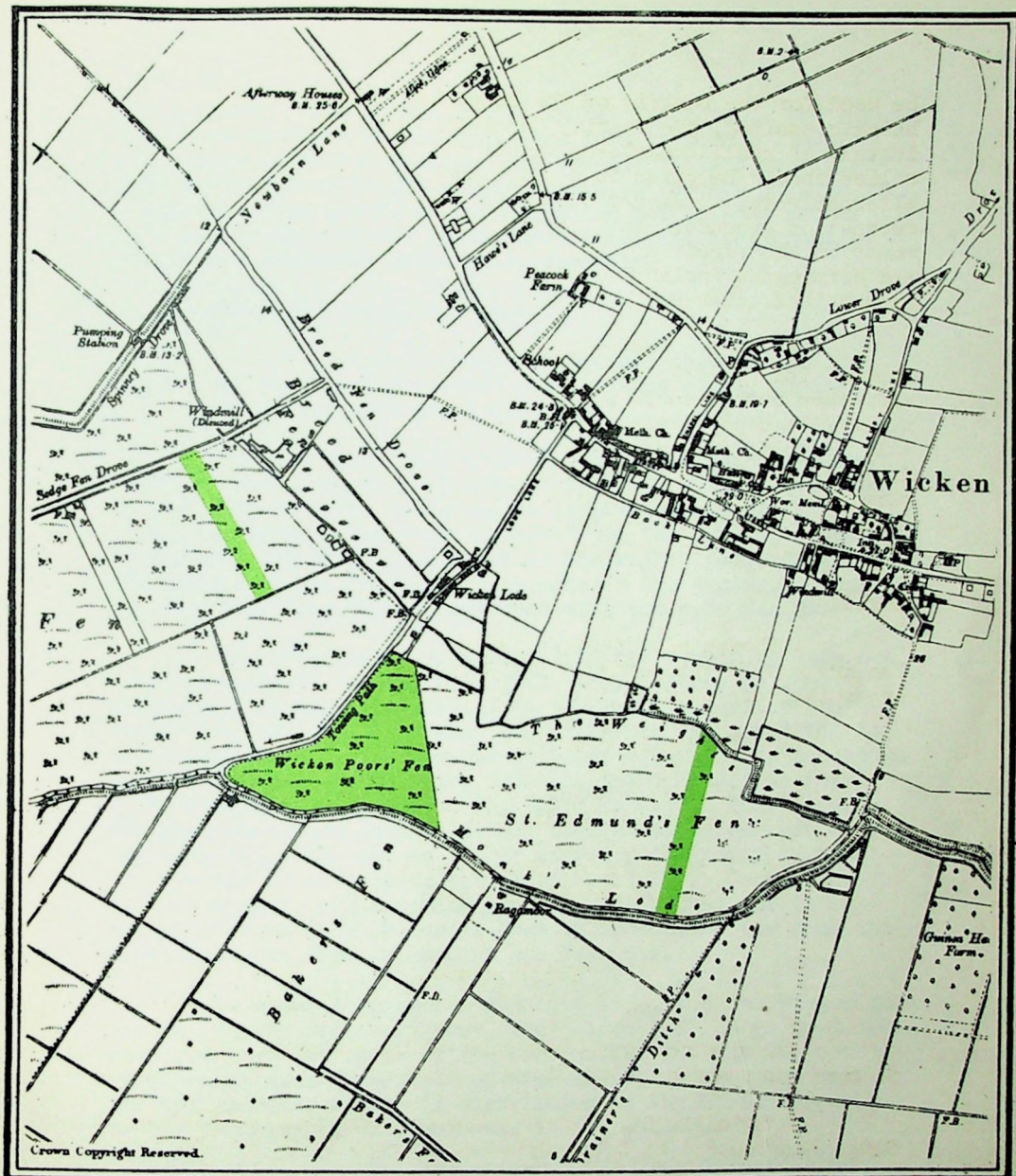
WICKEN

Although most parts of Wicken Sedge Fen and St. Edmund's Fen are now the property of the National Trust there are three areas that are subject to a common right of estover. These are:-

(a) Wicken Poor's Fen	14.37 acres
(b) A strip between Sedge Fen Drove and Gardiner's Drove	3.5 acres approx.
(c) A strip in St. Edmund's Fen between The Weights and Monk's Lode	2.9 acres approx.
Total approx.	<hr/> 20.77 acres <hr/>

These three areas and part of the National Trust property are shown on Map 10.

Originally St. Edmund's Fen and that part of Wicken Sedge Fen bounded by Howes Dyke and Spinney Drove on the



10. WICKEN COMMON LAND
Part of Ordnance Survey sheet XXXV N.E.

north, Wicken Lode on the south, Thomson's Drove on the east and Malcarse Drain on the west were left as common land for the people of Wicken village. It was not drained or cultivated but retained in its virgin condition for the purpose of providing sedge and reeds for thatching and to some extent as a source of turf for fuel. Both sedge and turf remained valuable commodities until quite recently.

Vancouver mentioned that -

"....a fen common, at present appropriated to the digging of turf, and cutting sedge, rushes etc., contains about 100 acres".

Most of this large area of formerly valuable common sedge or peat land was cut into strips and assigned (probably in the 17th century) to different inhabitants of Wicken. These strips were known as "dolvers" and the name has survived to the present day. No mention of the rights pertaining to the remaining areas of common is made in the Enclosure Award of 1849 which was mainly concerned with the open fields.

The three areas of common land now remaining were set aside originally for the use of the poor. There is some difference of local opinion as to the exact nature of the common rights. The time when the villagers are permitted to cut sedge is variously thought to be from sunrise to sunset on the longest day of the year, from the third Monday in July until Christmas Day, and on the third Monday in July only. The last named day is most widely thought to be correct. However, the villagers no longer exercise their rights and have rarely done so since the first World War. Consequently all three areas are becoming covered with bushes and it is dangerous even to walk across them on account of the deep and irregular pits from which peat has been dug.

In order to preserve the bird life, the shooting rights are let to the National Trust, who, since 1899, have gradually acquired some 785 acres of the surrounding fen and who now maintain it as a "reservoir of wild nature". The rent paid for the shooting rights is distributed by the Parish Council to the inhabitants of almshouses in the village.

GREAT WILBRAHAM

In the parish of Great Wilbraham there are 56.59 acres of common land (OS fields 46 and 47) which were allotted by the Enclosure Commissioners in 1801 under the Act of 1797. The award states:-

"And we the said Commissioners do hereby set out one piece of land containing 56 acres ... And we hereby certify and declare that the said allotment is proper and shall for ever hereafter be for the use of occupiers of such cottages only entitled to common rights which will be resident within the said parish of Great Wilbraham who are not owners of lands within the said parish and who do not occupy more than 20 acres of land in Great Wilbraham aforesaid and which said allotment the occupiers are for ever hereafter to support and keep the fence on all sides except against the allotment for Public Works".

Those entitled to common rights as above may...

"at all times of the year except from the 2nd February to the 12th May in every year depasture one cow or two yearling calves on the said allotment."

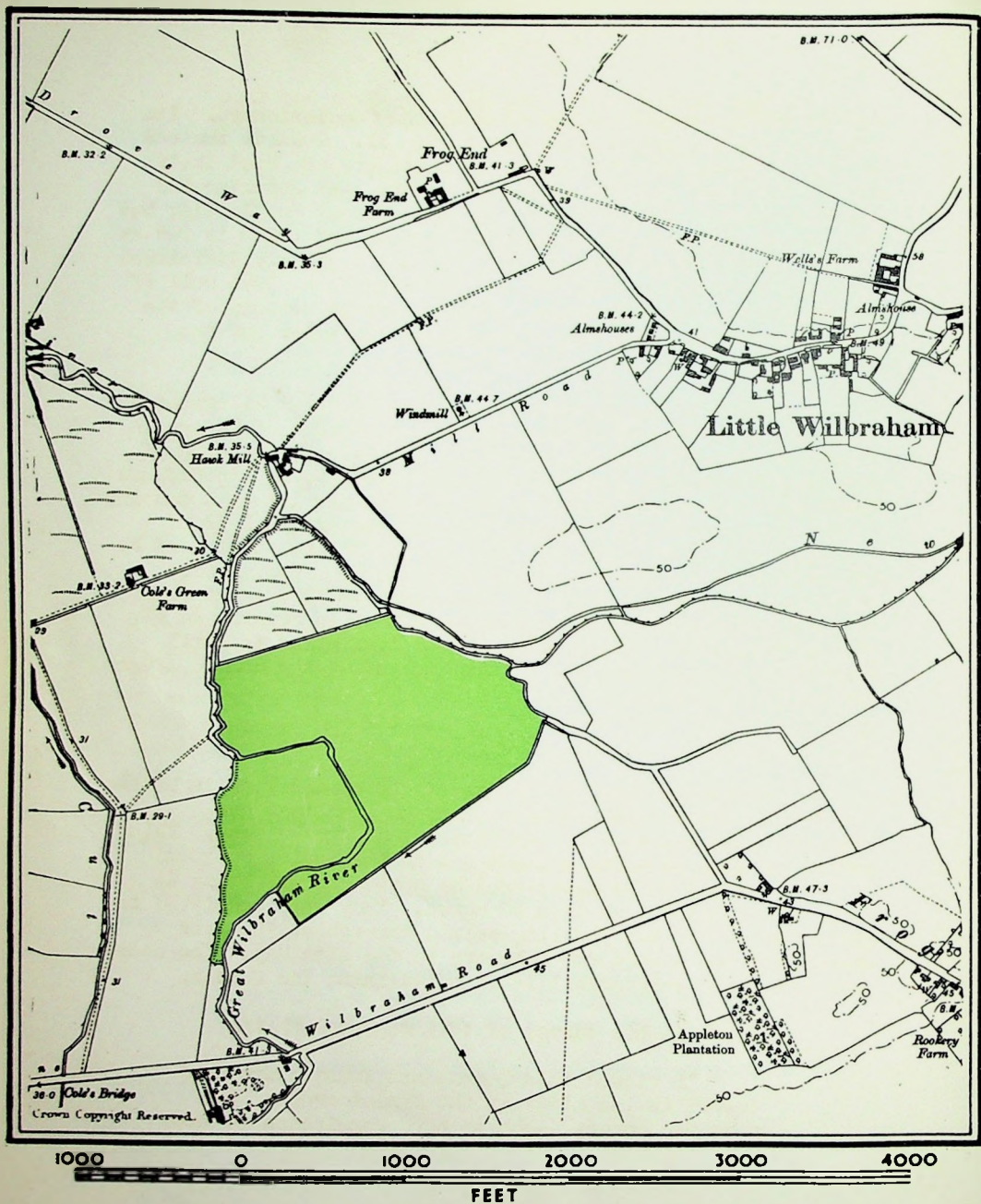
They further directed that common rights could only be let to other commoners.

Before the enclosure, Vancouver reported that there were

"About 300 acres of common which is depastured by cows, and a large tract of heath which is appropriated to a sheep walk".

Gooch reported the cost of enclosure as just under £3,000.

The common set out in the award has remained unchanged



II. GREAT WILBRAHAM COMMON
Part of Ordnance Survey sheet XLVIII NW.

and is still managed as directed by the Commissioners. Its position in the parish is shown in Map 11. Towards the end of the last century the number of cottagers who used their rights declined and the condition of the land deteriorated considerably. The area was formerly subject to flooding but the stream which flows through the common and which is fed at source by the Shardelows Springs has now a greatly diminished flow due to pumping from the neighbouring Fleam Dyke well of the Cambridge Water Company. During certain seasons of the year the parish ditch has to be tapped for water for the cattle.

Some 40 years ago Mr. R. Brown of Great Wilbraham, himself one of the commoners, undertook the job of "Keeper of the Commons", which appointment involves the tending of cattle and measures to prevent their straying. He himself now hires all but one of the 32 rights, which are let at a meeting of the commoners each spring. Not all the original 32 cottages are still standing, but the rights are still used by the owners of the land on which they stood. The average price that Mr. Brown pays for each right is 32/6d. but from this he deducts the cost of keeping fences in repair and his pay as "Keeper". The grazing period limitation is still observed and, in fact, few cattle are put on the common after the month of October.

LITTLE WILBRAHAM

Although there is at present no common land in Little Wilbraham, mention should be made of an area that has recently been acquired by the Ministry of Agriculture. This common of some 30 acres was set out in the Enclosure Award of 1801 as land to be depastured by cottagers who owned no land and occupied less than 20 acres. They were permitted to graze one cow or two yearling calves throughout the year except for the period 2nd February to the 12th May. The users were given the responsibility of maintaining the fences.

Gooch in his survey of 1811 reported that:-

"I viewed this Common and found a wretched desert in the midst of the finest crops: the poor who occupy ought to have permission to take

each one quarter of an acre of potatoes, and one quarter of an acre of wheat paring and burning for the potatoes. There would thus be $7\frac{1}{2}$ acres cropped with the 15 rights and the remainder would be more valuable. I counted but 7 cows and 2 asses on it: the other poor are too indigent to use their rights".

Between the two wars, as the cottagers kept no cows, these pasture rights ceased to be exercised and the land was leased by the Vicar to a local farmer, the small proceeds being divided among persons whom the Vicar thought deserving. The lack of management had caused the grazing to deteriorate, 10 acres being incapable of producing any useful growth as the peat had been burned: moreover the position of the land which lies about a mile from the village, whence it is reached by an unsurfaced road which is waterlogged in winter, renders it useless for recreational purposes.

During the late war the land was requisitioned by the W.A.E.C., who spent much money on improving and cultivating it. After the war local inhabitants met representatives of the Ministry of Agriculture and Commons Preservation Society to discuss the future of the common. The villagers wanted it to be managed by the Parish Council and let as arable land, the proceeds going to the benefit of the Parish. Under existing legislation this was considered impossible.

As no objection was raised by the Commons Preservation Society, the Minister of Agriculture made a Purchase Order under the Agriculture Act of 1947. No compensation has yet been paid to the commoners and the land is farmed, as it was during the war, by Mr. Thompson of Little Wilbraham.

V. PARISH PITS

In most Enclosure Awards the Commissioners set aside one or more pits that were to be used for the repair of public and private roads. A typical Award reads as follows:-

"And we set out and allot unto and for the Surveyors for the time being of the Highways within the said Parish of as and for public clays and gravel and clunch pits for the use of the Proprietors and Occupiers of lands tenements and hereditaments within the said parish in such manner and under such regulations as are herein-after directed"

Thus, although the pits were allotted "unto and for" the Surveyors of Highways, the "proprietors and occupiers of lands tenements and hereditaments within the said parish" clearly exercised a common right in soil, so that the pits were, and still are, common land in the strictest sense.

The appointment of Parish Surveyor of Highways is now obsolete and it is generally accepted that Parish Pits are vested in Rural District Councils, who retained their use when the responsibility for maintaining roads was transferred to the County Council. An R.D.C. can, however, sell or let these pits under powers given by the Union and Parish Property Act, 1835, the Parish Property and Parish Debts Act, 1842, and the Sale of Exhausted Parish Lands Act, 1876.

Few of the pits are now being used as originally directed. In many cases the pits have become overgrown and form local beauty spots but others are used as rubbish dumps. Some very shallow pits have been converted to arable land by Parish Councils (as at Graveley) and let as such to a single tenant, the income being devoted to parish funds.

Although these pits are common land, they are too numerous to be considered in detail in this report. The following list records those allotted by Awards of which copies are readily available, but it must be emphasised that that list is not complete. Furthermore, it has not been ascertained whether all these pits exist at present. Also

included in the list are water pits and wash pits allotted for public use.

The acreages given are only approximately accurate as they are derived from the Awards and, apart from the original inaccuracies of the survey, the pits may have been enlarged since that date.

PARISH	No. of Pits	APPROX. AREA		
		TOTAL	R	P
Abington, Gt.	1	2	-	-
Abington, Lt.	1	4	-	-
Balsham	1	2	-	-
Barrington	2	3	-	38
Barton	2	1	-	26
Bassingbourn	2	2	-	-
Brinkley	3	3	-	-
Burwell	2	4	2	20
Carlton	3	2	1	18
Caxton	1	2	-	-
Comberton	4	4	2	24
Conington	1	2	-	2
Coton	1	1	3	20
Cottenham	2	4	2	1
Croxton	1	1	-	-
Dry Drayton	1	1	2	6
Dullingham	3	3	-	-
Duxford	2	2	1	16
Eversden, Lt.	2	2	2	-
Fen Ditton	1	-	1	13
Fen Drayton	1	5	-	-
Fordham	4	4	1	28
Fowlmere	2	1	-	-
Foxton	1	1	-	-
Fulbourn	5	12	1	38
Gamlingay	2	1	1	34
Girton	1	1	2	-
Granchester	1	2	-	11
Graveley	1	2	2	6
Guilden Morden	1	1	-	16
Hardwick	1	-	3	2
Harlton	4	3	3	12
Haslingfield	5	6	-	-
Hauxton	1	1	1	2
Hinxton	1	-	2	-
Histon	2	3	2	36
Horningsea	1	-	2	13
Ickleton	5	3	3	-
Impington	4	3	3	33
Kennett	2	1	2	-

PARISH	No. of Pits	APPROX.		
		TOTAL	AREA	
		A	R	P
Kingston	1	1	3	25
Knapwell	1	2	-	-
Landbeach	1	2	1	36
Litlington	2	3	3	37
Lode	2	4	3	33
Longstanton A/S	2	4	-	-
Longstanton S/M	1	3	3	22
Longstowe	1	1	1	20
Melbourn	1	2	-	-
Milton	3	1	-	13
Newton	1	1	-	-
Oakington	2	1	-	16
Orwell	2	1	2	-
Over	3	1	2	6
Pampisford	3	4	2	-
Rampton	1	-	-	22
Sawston	1	2	3	18
Shelford, Gt.	3	6	3	16
Shelford, Lt.	4	2	3	7
Shepreth	3	2	2	-
Snailwell	1	2	2	30
Stapleford	2	1	3	25
Steeple Morden	3	2	3	5
Stetchworth	3	2	3	-
Swaffham Bulbeck	4	5	-	-
Swaffham Prior	1	3	-	-
Teversham	1	-	1	7
Toft	1	1	2	8
Waterbeach	1	2	-	-
West Wickham	2	2	3	17
West Wratting	3	3	1	-
Whitlesford	3	3	-	-
Wilbraham, Gt.	1	2	-	-
Wilbraham, Lt.	2	4	2	-
Willingham	7	3	1	9
Woodditton	5	4	-	-
TOTAL	159	205	3	27

VI OTHER PUBLIC OPEN SPACES

Recreation Grounds

Fifty three of the 127 rural parishes have public recreation grounds that are at present in use. Their distribution is shown in Appendix A and on Map 12. Many of these are pieces of land allotted by Enclosure Awards for the "exercise and recreation" of the inhabitants. Most are now owned by Parish Councils, but some were allotted to an individual or to the "Rector, Churchwardens and Overseers" subject to the public right of recreation.

There is rarely confusion between recreation grounds and commons, but at Gamlingay, where some six acres of the old "Cinques Common" were allotted for a recreation ground, the area has never been used as such and is now fallaciously considered by the villagers to be common land.

Village Greens

Forty five of the 127 rural parishes claim to have village greens. Their distribution is shown in Appendix A and on Map 12. As few of these parishes have been visited during the course of the survey, it is not known whether the greens are all "Village Greens" in the full legal sense of the term. Several claimed as such are probably no more than roadside waste.

By legal definition a "village green" is land over which there has been from time immemorial a local custom of recreation. The mere fact that a piece of land in a village has always been unenclosed and that the public have wandered freely over it does not make it a village green in the legal sense. Nevertheless, in such a case any encroachment or interference with its use can be dealt with by a magistrate under Section 12 of the Enclosure Act, 1857, and Section 29 of the Commons Act, 1876.

Village greens are frequently assumed, quite erroneously, to be "common land".

Roadside Waste

Most public highways have grass margins of varying width. Before roads were universally metalled most of the present roadside wastes were used by traffic to provide alternative routes through the mud. Thus, most are still legally part of the highways and subject to a public right of way. The maintenance and protection from encroachment of these wastes is carried out by the County Council. The legal width of most highways may be determined from the Enclosure Award Map, Tithe Map or the Turnpike Acts where these documents exist.

However, roadside wastes forming part of the highway may in rare cases, also be "manorial waste" subject to common rights. This is the only instance in which roadside waste may be legally used by commoners other than as a right of way, but no case of this type of common land has been found in Cambridgeshire.

VII NATIONAL TRUST AND CAMBRIDGE PRESERVATION
SOCIETY PROPERTIES

There is a considerable area of land in the county which, although not common land, is regulated in the interests of the public and preserved from development.

The National Trust for Places of Historic Interest or Natural Beauty own or protect some 1,576 acres in the county. This area is made up as follows:-

Anglesey Abbey	425 acres
Chippenham Fen	125 acres
Kirtling Tower	241 acres
Wicken and Burwell Fens	785 acres (approx)
<hr/>	
Total	1,576 acres
<hr/>	

It should be noted that 33.7 acres of the Chippenham Fen area listed above are in fact common land. (See Snailwell, section IV).

The Cambridge Preservation Society, which was founded in 1929, has similar aims to those of the National Trust but their activities are limited to the County of Cambridge. The Society owns some 617 acres and protects approximately 483 acres which are mostly in the Granchester, Coton and Madingley areas. In addition several buildings of historic interest or particular beauty are owned or protected by the Society.

VIII SUMMARY AND CONCLUSIONS

The distribution of commons, village greens and recreation grounds in the county is shown on Map 12. It will be seen that commons only remain in the City of Cambridge and in 8 of the 127 rural parishes. The areas are as follows:-

City	226.3 acres
Barrington	22.3 acres
Isleham	45.0 acres
Shepreth	11.4 acres
Snailwell	33.7 acres
Soham	277.8 acres
Stow-cum-Quy	70.7 acres
Wicken	20.8 acres
Wilbraham	<u>56.6 acres</u>
TOTAL	<u>764.6 acres</u>

In addition to these areas there are at least 159 parish pits of a total area of some 206 acres which are subject to rights of common in soil.

Only the commons in Barrington, Shepreth and the City can be said to be satisfactorily managed and used to the best advantage. Of the remainder, the commons at Snailwell and Wicken (which only have rights of estover) are very rarely used and those of Quy and Wilbraham are not used by the villagers but are let to one farmer.

It is clear that there is a great difference in the part played by commons in the rural communities of pre-enclosure and modern times. For, whereas in pre-enclosure days the common was an essential amenity for every rural dweller, it is today something in the nature of an anachronism to which little or no economic value attaches. It will, however, be appreciated that the amenity value in the preservation of open spaces is still considerable.

From an inspection of Map 12 it will be seen that all the remaining commons are situate within a belt of country which runs in a south-west to north-west direction across the county. With the exception of two commons (Isleham Washes and Soham Horse Fens) which lie on alluvial fenland, all these are on either the Gault or Chalk Marl outcrops. From this it follows that the soil of the commons is either heavy chalk marl or gault clay both of which are relatively inferior for arable cultivation. It may well be that it is on this account that they escaped enclosure during the 18th and 19th centuries.

IX - APPENDICES

APPENDIX A

Enclosure of Cambridgeshire Parishes

NOTES Col. 1 - S = South Cambs. C = Chesterton. N = Newmarket.
 Col. 2 - X = enclosures excluding open fields.
 o = including old enclosures.
 " = by Provisional Order under Acts of 1845 and after.
 X = enclosed before 1700 or by private agreement.
 Col. 4 - These figures are sometimes very near or even
 greater than the actual area of the parishes
 owing to inaccurate surveying of award maps and
 recent changes in parish boundaries.
 Col. 6 - Refers to open spaces in the parish.
 G = Village Green. R = Recreation ground. C = Common.

PARISH	1 R.D.C.	2 Enclos- ure Act date	3 Award date	4 Approx. area enc.	5 Area of Parish	6	Remarks
Abington, Great	S	1801	1804	1532	1,588	-	
Abington, Little	S	1801	1807	1263	1,309	-	
Abington Pigotts	S	1770	?	1000	1,237	-	
Arrington	S	X	-	-	1,407	-	before 1793
Ashley-cum-Silverley	N	1806	1815	5000	2,225	-	With Kirtling
Babraham	S	X	-	-	2,387	-	
Balsham	S	1801	1806	3123	4,550	G.R.	
Barrington	S	1796	1800	2158	2,282	G	
Bartlow	S	1858"	1863	1037	377	R	With Castle Camps
Bassingbourn	S	1801	1806	3216	3,204	R	
Barton	C	1839	1840	1772	1,834	R	
Bottisham	N	1801	1808	5696	2,854	-	
Bourn	C	1809	1820	4011	4,175	-	
Boxworth	C	1837	1843	732	2,602	G.R.	
Brinkley	N	1811	1816	1423	1,303	-	
Burrough Green	N	X	-	-	2,272	G	Private 1794 Confirmatory Act 1815
Burwell	N	1814	1817	2701	7,446	G.R	
Caldecote	C	1848"	1854	747	948	-	
Carlton-cum-Willingham	S	1799	1800	1500	2,415	-	
Castle Camps	S	1858"	1863	1037	3,184	G.R	With Bartlow
Caxton	C	1830	1835	1500	2,242	-	
Cheveley	N	1842 ^o	1844	2491 ^o	2,559	G.R	
Childerley	C	X	-	-	1,069	-	Before 1793
Chippenham	N	1791"	-	2146	4,301	-	Private before 1793
Chishall, Great)	S)	1807	1811	-	2,542	R	
Chishall, Little)	S)	-	-	-	1,216	-	
Comberton	C	1839	1840	1882	1,954	R	
Conington	C	1800	1804	1451	1,522	-	
Coton	C	1799	1803	2120	970	G.R	With Grantchester.
Cottenham	C	1842 ^o	1847	6296 ^o	7,224	G.R	
Croxton	C	1811	1818	1877	1,909	-	
Croydon	S	X	-	-	2,734	-	
Dry Drayton	C	1809	1811	2352	2,421	-	
Dullingham	N	1806	1810	-	3,387	G	
Duxford	S	1822	1830	3173	3,239	G.R	
Elsworth	C	1800	1803	3755	3,839	R	
Eltisley	C	1864"	1868	1490	1,970	G.R	
Eversden, Great	S	1811	1814)	1298	1,400	-	
Eversden, Little	S	1811	1814)	-	790	-	
Fen Ditton	C	1803	1817	1821	1,474	-	
Fen Drayton	C	1838	1841	1444	1,492	G.R	

PARISH	1	2	3	4	5	6	Remarks
	R.D.C.	Enclos- ure Act	Award	area	Area of		
		date	date	enc.	Parish		
Fowlmere	S	1844	1850	2212	2,272	R	
Foxton	S	1826	1830	1692	1,752	G.R	
Fulbourn	C	1806	1814	5123	5,263	R	Act amended 1808
Gemlingay	S	(1808					
		(1841	1848	2384	4,460	-	
Girton	C	1808	1814	1639	1,739	G.R	
Grantchester	C	1799	1803	2120	1,392	G	With Coton
Gransden, Little	S	1813	1826	1863	1,920	-	
Graveley	C	1802	1805	1500	1,582	G	
Guilden Morden	S	1800	1804	2547	2,599	G.R	
Hardwick	C	1836	1837	1389	1,438	-	
Harlton	C	1808	1811	1100	1,261	-	
Harston	C	1789	1802	?	1,751	G	
Haslingfield	C	1810	1820	2487	2,948	G.R	
Hatley, East	S	X	-		1,189	-	Before 1793
Hatley, St. George	S	X	-		1,011	R	
Hauxton	C	1798	?	?	591	G	
Heydon	S	?	?		1,425	-	
Hildersham	S	1883	1889	1164	1,511	R	
Hinxton	S	1820	1833	1506	1,564	-	
Histon	C	1801	1806	?	2,104	G.R	
Horningssea	C	1802 ^o	1810	1570 ^o	1,647	R	
Horseheath	S	?	?		1,922	-	
Ickleton	S	1810	1814	2639	2,700	G.R	
Impington	C	1801	1806	?	1,792	R	
Isleham	N	1845	1854	1370	5,230	G.R.C	
Kennett	N	1813	1823	1400	1,431	-	

Kingston	S	1810	1815	1149	1,907	G	
Kirtling	N	1806	1815	5000	3,126	-	With Ashley
Knapwell	C	1775	1776	1082	1,236	-	
Kneesworth	S	1837	1842	230	879	-	
Landbeach	C	1807	1813	2151	2,225	-	
Landwade	C	X	-		127	-	
Linton	S	1838	1840	3717	3,817	R	
Litlington	S	1828	1830	2100	2,172	G.R	
Lode	N	?	?		3,133	R	
Lolworth	C	1837	1848	938	1,110	G	
Longstanton All Saints	C	1811	1816	1877	1,938	R	
Longstanton St. Michael	C	1813	1816	847	841	-	
Longstowe	S	1798 ^o	1800	1400 ^o	1,544	-	
Maddingley	C	X	-		1,768	-	
Melbourn	S)	(1813	1820	2410	4,480	G.R)	With Whaddon
Meldreth	S)	(1839	1842	4567	2,513	-	
Milton	C	1800	1802	1142	2,050	-	
Newton	C	(1846 ^x "	1849	165)			
		(1851 ^o "	1854	876)	994	G	
Oakington	C	1833	1834	?	1,692	G	
Orwell	S	1837 ^o	1838	2023 ^o	2,083	-	
Over	C	1837	1840	3572	3,737	G.R	
Pampisford	S	1799	1801	1240	1,607	R	
Papworth Everard	C	1815	1826	1090	1,157	R	
Papworth St. Agnes	C	X	-		1,298	-	
Rampton	C	1839	1840	1295	1,372	G	
Sawston	S	1802	1811	1817	1,898	R	
Shelford, Great	C	1834	1835	2212	2,070	R	
Shelford, Little	C	1813	1815	1177	1,196	R	
Shepreth	S	1811	1823	1000	1,318	C	
Shingay	S	X	-		768	-	
Shudy Camps	S	1858"	1863	1037	2,362	-	With Bartlow
Snailwell	N	1805	1806	1680	2,034	G.C	

PARISH	1 R.D.C.	2 Enclos- ure Act date	3 Award date	4 Approx. area enc.	5 Area of Parish	6	Remarks
Soham	N	-	-	-	12,999	R.C	Some by agreement
Stapleford	C	1812	1814	1780	1,835		
Steeple Morden	S	1807 ^o	1816	3755 ^o	3,846	R	
Stetchworth	N	1814	1820	2814	2,891	-	
Stow-cum-Quy	C	1839	1840	1882	1,879	R.C	
Swaffham Bulbeck	N	1798 ^o	1801	4000 ^o	4,110	G.R	
Swaffham Prior	N	1805	1814	5206	5,587	G	
Swavesey	C	1838	1840	3822	3,982	G	
Tadlow	S	X	-	-	1,743	-	Before 1793
Teversham	C	1810	1815	1187	1,221	G	
Thriplow	S	1840	1846	2439	2,501	G.R	
Toft	C	1812	1815	1258	1,285	G	
Waterbeach	C	1813	1818	4863	5,750	G.R	
Wendy	S	X	-	-	1,023	G	
Westley Waterless	N	X	-	-	1,149	-	With Burrough Green
Weston Colville	S	1777	1778	1930	3,235	R	
Westwick	C	1855"	1856	217	333	-	
West Wickham	S	1812	1822	2937	2,931	G	
West Wrattling	S	1809	1813	3441	3,543	R	
Whaddon	S	(1813	1820)			
		(1837	1841	1471)	1,515	-	1813 with Melbourn
Whittlesford	S	1809	1815	1919	1,976	R	
Wicken	N	1840	1849	2962	3,965	G.C	
Wilbraham, Great	C	1797 ^o	1801	2300 ^o	2,921	G.R.C	
Wilbraham, Little	C	1797	1801	1600	1,990	G	

Willingham	C	1846	1873	4531	4,659	G.R
Wimpole	S	X	-	-	2,468	-
Woodditton	N	1813	1823	4901	4,768	-

TOTAL	127	-	-	-	305,108	
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APPENDIX B

BY-LAWS relating to Cambridge City Commons

1. Every person who shall put or depasture upon any Common Pasture within this Borough any animal having any infectious or contagious disorder or disease whatsoever;
2. Every person not lawfully authorised or permitted so to do who shall dig or plough up any such Common Pasture or any part thereof;
3. Every person lawfully authorised or permitted to dig up any such Common Pasture in order to take stone, gravel, or sand therefrom, who shall not, with all convenient speed thereafter effectually and properly fill up and make level every pit or hole thereon made for the purpose of procuring therefrom such stone, gravel or sand;
4. Every person not lawfully authorised or permitted so to do who shall erect any tent, booth or building or place any caravan or carriage upon any such Common Pasture;
5. Every person lawfully authorised or permitted to erect any tent, booth or building upon such Common Pasture for a limited period, who shall not at or before the expiration of such period take down and remove from such Common Pasture such tent, booth or building and every part thereof, and, with all convenient speed thereafter, effectually and properly fill up and make level every pit or hole made on such Common Pasture for the erection thereon of such tent, booth or building;
6. Every person lawfully authorised or permitted to place any caravan or carriage upon any such Common Pasture for a limited period who shall not at or before the expiration of such period, remove from such Common Pasture such caravan or carriage;
7. Every person who shall wilfully injure or destroy any tree, fence, bank, bridge, or gate, or obstruct or fill up or divert the water from any ditch upon such Common Pasture.

8. Every person not lawfully authorised or permitted so to do, who shall take from or off any such Common Pasture any part of the turf or soil thereof or any dung or manure being thereon;
9. Every person not lawfully authorised or permitted so to do who shall go upon, over, or across any such Common Pasture with any cart or other carriage, or shall place or continue thereon any stone, bricks, lime, mortar, timber, building materials, road materials, spare soil, or rubbish whatsoever;
10. Every person who shall put or depasture any animal upon any such Common Pasture at any time during which such Common Pasture ought not, according to the custom of the Borough to be so used;
11. Every person who shall put or depasture upon any such Common Pasture any animal which, according to the custom of this Borough ought not to be put or depastured thereon;
12. Every person not lawfully entitled so to do who shall put or depasture any animal upon any such Common Pasture.
13. Every person removing or wilfully injuring or defacing the turf or any tree, shrub, or flowers thereon, fence, seat, tree-guard, bridge, gate, notice-board or any other property of the Corporation;
14. Every person who beats or shakes any carpet, rug or mat on any of the Commons except on Sheep's Green and that portion of Coe Fen lying near Stonebridge, and that portion of Midsummer Common lying beyond Butt Green, and in a line with Jesus Grove;
15. Every person who without permission shall place on any Common any offensive matters or things;
16. Every person burning on any Common any wood, brushwood or other article; shall be guilty of an offence.

17. States that a book or register should be kept at the Town Clerk's office containing particulars of animals proposed to be turned on any Common Pasture in the Borough.
18. Every person placing on any of the Commons any animal without having previously registered it under Bye-Law 17 shall pay a registration fee of 4/- for each animal yearly;
19. Not more than 16 animals are to be placed on a Common at one and the same time;
20. Every person placing any animal on Parker's Piece (such Common being for purposes of recreation only);
21. Any person gambling, betting, or playing with cards, dice, or any other article on any Common;
22. Any person interfering with, obstructing or annoying any persons who by permission are playing or have made preparations for playing at cricket or other lawful games on any of the Commons;
23. Wilfully interfering with, obstructing or annoying any of the Common Constables or other Officers or persons employed by the Corporation in the discharge of their duty;
24. Any person firing guns, pistols, using catapults or similar offensive weapons, throwing stones, sticks or other missiles or doing anything which may endanger the public or be deemed a nuisance, obstruction or annoyance to the public on any Common;

shall be guilty of an offence.

APPENDIX C.

PROCEDURE ADOPTED AND SOURCES OF INFORMATION

The survey was made and the first draft of this report compiled in the six weeks from the 17th September to the 6th October, and from the 10th to the 31st December, 1951. It was at first hoped that some central source of information would give an indication of those parishes where commons still exist. In this hope the following authorities and persons were consulted:-

- (a) Ministry of Agriculture (Land Use Division) London.
- (b) Commons Preservation Society, London
(W.H. Williams, Esq.,)
- (c) Cambridge Preservation Society.
- (d) Department of Geography, Cambridge University.
- (e) Department of Agriculture (Farm Economics Branch)
Cambridge University.
- (f) Department of Estate Management, Cambridge
University.
- (g) Cambridge Antiquarian Society.
- (h) Cambridge University Library.
- (i) Various college libraries.
- (j) Cambridge City Library.
- (k) Cambs. County Library.
- (l) A.B. Ware, Esq., Tutor of Impington Village College.
- (m) H.J.C. Bashford, Esq., The Leys School.
- (n) F.W. Murfitt, Esq., Guilden Morden.

These approaches gave some general information on the subject of enclosures in the county but no detailed information as to those parishes where common land was still to be found. Consequently it was decided to send a questionnaire to each of the 127 Clerks to Parish Councils or Meetings. The questions asked were :-

- (i) Is there a village green in your parish?
- (ii) Is there a recreation ground in your parish?
- (iii) Is there any common land in your parish?

One hundred and eleven questionnaires were eventually

returned completed. The remaining 16 parishes were visited and the necessary information obtained from two or more inhabitants of each parish. Visits were thereupon made to each of the 23 rural parishes claiming to have common land. It was found that, of these 23, only 8 in fact had any land that is common in the legal sense, apart from the parish pits listed in Section V. The "Commons" in the other 15 parishes were found, upon investigation, to be as follows:-

Barton	Old recreation ground.
Caxton	Pit and private property.
Chippenham	Charity Land and Snailwell common land.
Duxford	Pits.
Fen Ditton	Intercommon in the parish of Quy.
Fowlmere	Pits.
Gamlingay	Old recreation ground.
Graveley	Pit now used for agriculture.
Gt. Chishill	Charity land.
Guilden Morden	Village Pound.
Horningsea	Intercommon in the parish of Quy.
Ickleton	Pits.
Longstowe	Pound.
Orwell	Pits.
Whaddon	Private property.

In the eight rural parishes where commons were found to exist information was obtained from the following:-

Barrington	H.F. Malthouse Esq., J. Svensson Esq., The Vicar.
Isleham	W.J. Chapman Esq., E.W. Diver Esq., C. Wells Esq., The Rector.
Shcpreth	E.F. Bolson Esq.,
Snailwell	The Rector, The Postmistress, Mrs. B.M. Bacon, O.C. Simpson Esq.,
Soham	A.R. Pettit, Esq., R. Cornwell Esq., J.H. Fisk Esq., J. King Esq., Messrs. Ennions (Solicitors, Soham), Commons Preservation Society, National Farmers Union (Cambridge).

Stow-cum-Guy	G.T. Watts Esq., D.J. Farmer, Esq., (Late Clerk to Fen Ditton Parish Council).
Wicken	F. Marshall Esq., R.L. Fuller Esq., P.J. Walling Esq., Mr. Barnes (Fen Keeper).
Wilbraham	R. Brown Esq., R.S. Hicks Esq., Commons Preservation Society.

In addition Capt. P.G. Bales, M.C., County Archivist, has kindly given access to documents relating to many of the above parishes and has been of considerable assistance in several other matters.

Much of the information for the section on the City Commons was supplied by J.W. Osborne Esq., (Town Clerk's Department) and W.G.D. Clee, Esq., (City Pindar, 13 Union Road). Other information was obtained from the University Library Map Room and some of the books listed in the Bibliography (Appendix D).

